E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
10/23/2023 7:25 AM

E-FILED; Washington Circuit Court
Docket: 7/16/2023 1:45 PM; Submission: 7/16/2023 1:45 PM
Envelope: 13341716

ORIGINAL

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

Justin K. Holder,)

Plaintiff,)

V.) Case No. C-21-CV-23-000016

Washington County Board of)

County Commissioners of)

Washington, et al)

Defendants.)

TELEPHONE CONFERENCE

November 14, 2022

PARTICIPANTS:

Justin Holder

Kevin Karpinski, Esq.

Exhibit D

TELEPHONE CONFERENCE

November 14, 2022

MR. HOLDER: Hey, good morning, Mr. Karpinski. You are on mute, I think.

MR. KARPINSKI: Good morning. How you doing, Justin?

MR. HOLDER: I am doing well. How was your weekend, sir?

MR. KARPINSKI: It was okay, no complaint. How about yourself?

MR. HOLDER: Pretty good. A little cooler than last, but I'll take it.

MR. KARPINSKI: Okay. I wanted to see -- I am a little confused about your request for this file because isn't this what we have already produced?

MR. HOLDER: I'm not familiar with what was in the zip file, so I can't -- you guys would know that. I wouldn't know that.

MR. KARPINSKI: Okay, okay. Well, I'll get you the zip file. I think it's everything that we have already produced, but we'll just produce it again.

And this last request, educate me on this; how are we going to make it so Mr. Downey is not spending a lot of time doing research?

Exhibit D

MR. HOLDER: Okay. Hold on now. So, you're just going to forward the e-mail from Josh O'Neal to me; is that basically what you were thinking when you said produce it, just whatever Josh sent to Andy, you were just going to forward that?

MR. KARPINSKI: Yes.

MR. HOLDER: Okay. Now, you're talking about a last request. Is that the request with the 1936 road atlas?

MR. KARPINSKI: Yes, 1936 road atlas abandonment closure termination.

MR. HOLDER: Okay. If you go down to the bottom -- I went down to the land records room in the County Courthouse. There is a book called, "The Paper Vision Computer," it's where they keep the county ordinances. I went through every single one of those county ordinances. I went through the County Commissioners' minutes. So I proffered all of what I would call the burdensome, very labor intensive areas to search. There may not be any other places to search, but if Mr. Downey knows of another place to search, I'm just asking, is there another place where they would have kept information on this road abandonment.

MR. KARPINSKI: Okay. Above and beyond what you have already done?

Exhibit D

MR. HOLDER: Above and beyond what I have already done. I mean, he can just put a disclaimer in there, whether he searched them or not, he's going to take my word for it. And I'll take the responsibility if I missed one in those indexes. They are public information. I typically don't ask a Government entity to search something that I have equal opportunity to search. I'm not looking to just waste their time, but sometimes they have files, you know, I don't want to say proprietary, but aren't public accessed indexes of plats or something.

MR. KARPINSKI: Right.

MR. HOLDER: So, if they have something like that, if he would search it, and even if he just says, hey, I've got these indexes, they are public, but hey, Justin, have at it and go spend a couple hours looking at it, I will take the time and do it.

MR. KARPINSKI: Okay. So, let me speak to Mr. Downey to see whether there are any other places to search for information regard this road abandonment beyond what you have already listed.

MR. HOLDER: That would be perfect.

MR. KARPINSKI: I'm write you a letter letting you know if there are. If they are, we will, obviously, make them available.

Exhibit D

MR. HOLDER: I appreciate that.

MR. KARPINSKI: Okay. Well sounds good. Well, I am taking care of those and I will get back to you later on this week, and I just wanted to make sure I understood what those two requests were. So, I'll take care of that, and then I'll get you a response later this week, and we'll go from there.

MR. HOLDER: All right. I appreciate your time, sir.

MR. KARPINSKI: You have a great week. Enjoy your hike.

MR. HOLDER: I will, I will. Maybe next time you can come along.

MR. KARPINSKI: It's a pretty day for one. Take it easy, Justin.

(End of Telephone Conference.)

Exhibit D

IN THE CIRCUIT COURT FOR
WASHINGTON COUNTY, MARYLAND:

I, Jackie Smith, Court Reporter in and for the aforesaid County and State, do hereby certify that the foregoing is a true and correct transcription of the aforesaid telephone conference.

Given under my hand this 26th of June, 2023.

Jackie Smith

Jackie Smith, Court Reporter
P.O. Box 143, Boonsboro, MD 21713
(301) 326-5199

JACKIE SMITH
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND

My Commission Expires: March 30, 2024

Exhibit D

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Docket: 7/16/2023 1:45 PM; Submission: 7/16/2023 1:45 PM
Envelope: 13341716

Gmail Justin Holder <jholder2004@gmail.com>

MPIA - 1936 ROAD ATLAS - ABANDONMENT - CLOSURE - TERMINATION

1 message

Justin Holder <jholder2004@gmail.com> Sat, Nov 12, 2022 at 9:56 AM
To: "Downey, Kirk" <kdowney@washco-md.net>
Cc: "Desaulniers, Kendall A." <kdesaulniers@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>, Jason Parkins <jparkins@bkcklaw.com>

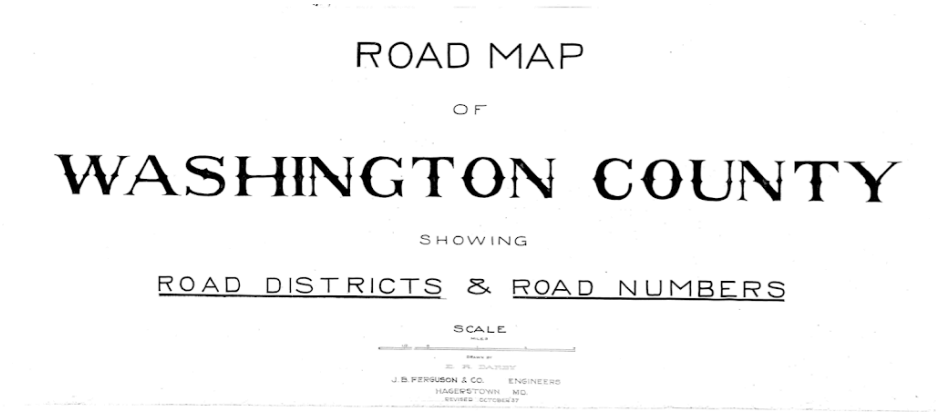
Dear Mr. Downey, as custodian of public records,

I write in accordance with MD. General Provisions Code Ann. § 1-101 (2021), the Maryland Public Information Act (the "MPIA") and request any and all records from the year 1930 until present day that reflect/assert/determine/ resolve/order the Board of County Commissioners for Washington County , MD and/or Washington County Maryland Government 'writ large;

by **ordinance, resolution, plat, law, or charter**;

abandoned, terminated, closed, or otherwise extinguished the Public rights to the Street/Lane/Alley/Road/Way (or any section/part thereof) in Keedysville,Maryland (Tax District 19) as illustrated on the

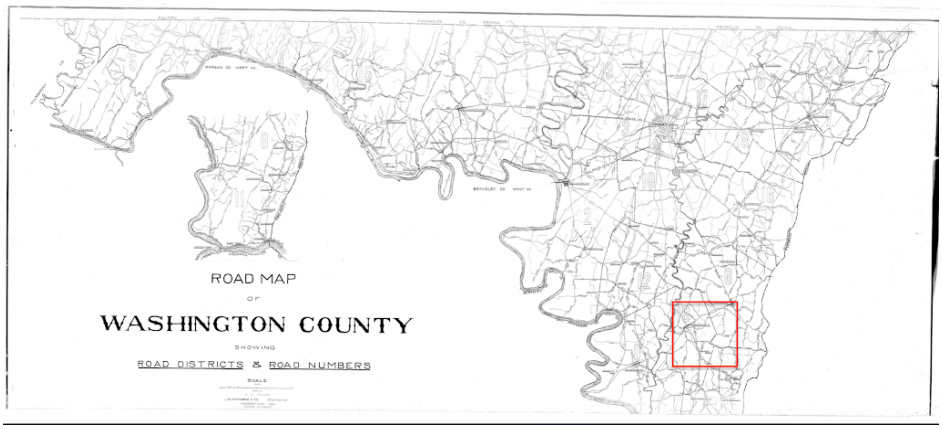
"



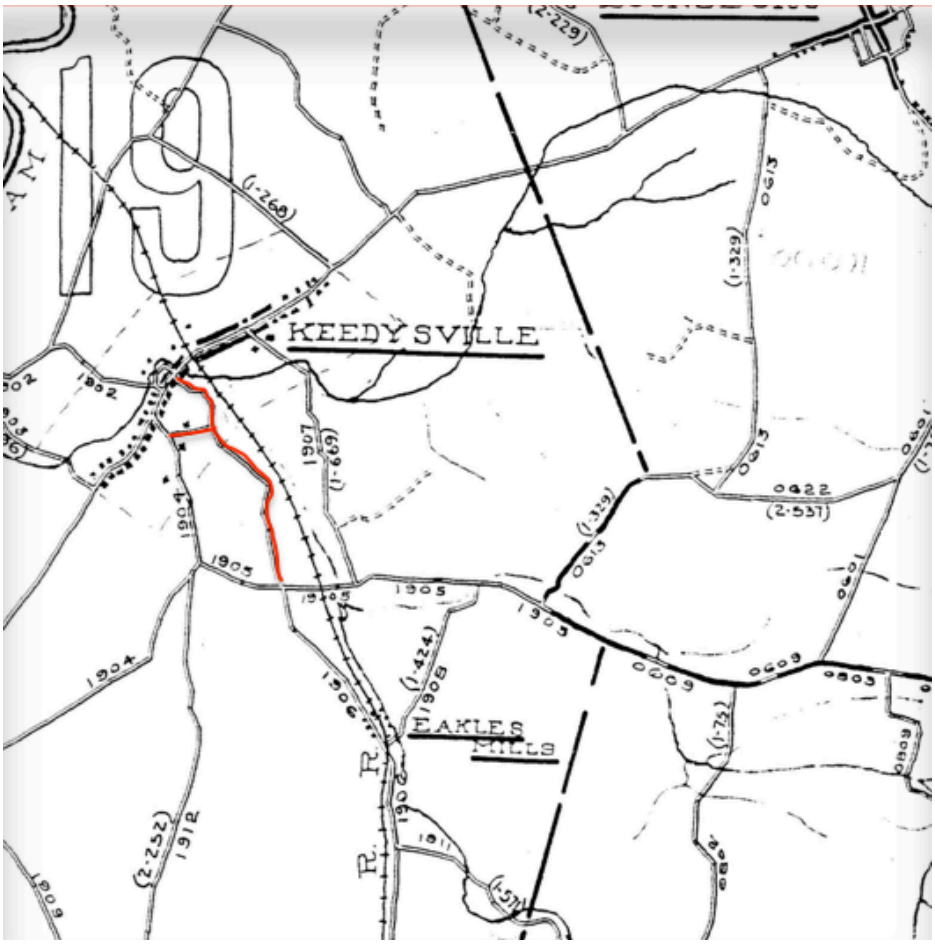
" (the "1936 Atlas") and/or ***Exhibit 1 - Road Index Map 1936 MSA_C2195_17.pdf*** attached hereto as a google drive link and incorporated herein by reference;

specifically Street/Lane/Alley/Road/Way(s) identified in the demonstratively highlighted red box placed on the 1936 atlas by applicant Justin Holder (the "Demonstrative Area") below

Exhibit E



and more specifically Street/Lane/Alley/Road/Way(s) identified by the red overlaid tracing placed on the Demonstrative Area of the 1936 Atlas by applicant Justin Holder (the "Red Tracing")



and/or any part of the Street/Lane/Alley/Road/Way(s) illustrated on the 1936 Atlas located within **Tax District 19**,

Exhibit E

Keedysville, Maryland; and/or

some of such Street/Lane/Alley/Road/Way(s) being designated/marked/adjacent to/numbered/identified as *"1902", "1903", "1904", "1905", "1906", "1907", "1908", "(I-268)", "(I-424)" and/or "(I-669)*".

Please provide a time and cost for these records in 10 days.

Thank you very much for the good work the public records custodian does for our County. In good faith and to reduce the burden of the custodian and conserve taxpayer resources the applicant will proffer that he, Justin Holder has searched the following public records:

1) the "papervision" computer located in the land records room of the Washington County Circuit Courthouse (a large copy of the 1936 Atlas hangs upon the wall of said land records room) and the indexes for liber 1 through 11 of the Acts and Ordinances of Washington County and the Town of Keedysville in said land records room;

2)the Washington County Board of County Commissioners minutes from 1930 until present day of this email; and

3)the Town of Keedysville Mayor and Council minutes from 1957 to present day of this email.

Please have a wonderful week.

Respectfully,

Justin Holder

Exhibit 1 - Road Index Map 1936 MSA_C2195_17.pdf

Exhibit E

Gmail Justin Holder <jholder2004@gmail.com>

342-125, PIA Request to Washington County regarding 1936 Road Atlas

1 message

Brenda Pizanis <BPizanis@bkcklaw.com> Mon, Dec 5, 2022 at 12:04 PM
To: "Justin K. Holder (jholder2004@gmail.com)" <jholder2004@gmail.com>
Cc: Kevin Karpinski <kevin@bkcklaw.com>, Jason Parkins <jparkins@bkcklaw.com>

On behalf of Kevin Karpinski.

December 5, 2022

via email Jholder2004@gmail.com only

Justin Holder

308 West Chapline Street

Sharpsburg, Maryland 21782

RE: 342-102

PIA Request to Washington County regarding 1936 Road Atlas

Dear Justin:

In follow up to our Zoom conference, I write to advise that the County is unaware of any other records which you otherwise have not already researched regarding the 1936 Road Atlas – Abandonment – Closure – Termination.

Sincerely,

Exhibit E

KARPINSKI, CORNBROOKS & KARP, P.A.

/s/

By: Kevin Karpinski

KK:bjap

Brenda Pizanis

Administrative Assistant to Kevin Karpinski

Karpinski, Cornbrooks & Karp, P.A.

120 East Baltimore Street

Suite 1850

Baltimore, Maryland 21202-1617

410-727-5000

Fax 410-727-0861

This electronic message transmission contains information that may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

Exhibit E

IN THE CIRCUIT COURT OF MARYLAND FOR WASHINGTON COUNTY

JEFFREY YOUNG	*	
Plaintiff	*	
v.	*	CASE NO.: C-21-CV-20-000371
JUSTIN HOLDER, Et Al	*	
Defendant(s)	*	

* *

NOTIFICATION OF NON - RETAINED EXPERT WITNESS DESIGNATION

COMES NOW Defendant, Justin Holder, in Proper Person, and files this Notification of "NON -Retained" Expert Witness Designation in accordance with discovery Rule 2-402(g)(1)(A) and Scheduling Order Rule 2-504(b)(1)(B). The Defendant Designates the following Experts:

Expert A - Historic Road Expert/Local Historian

Ted Ellis - Author of Local History Books and Reports

17437 Taylors Landing Road, Sharpsburg, MD 21782 (301) 432 - 7076

Local Historian whom has written 3 non fictional books/reports regarding the History of Colonial Keedysville, MD, Roads of Western Maryland and the Expert Report in the instant case on General Braddocks Neglected Route.

Expert A Report attached as Exhibit 1 - Braddocks Neglected Route.pdf

Expert A - Testimony - From the Expert's Book

....Several old deeds refer to "the road to Hess's Mill" from the Eakle's Mill and Mount Briar area. This road from Gapland to Dog Street is assumed to be more or less the original path from Crampton's Gap towards the Antietam. **It went straight across Dog Street** on a now nearly lost track. **Several old maps show this this road**

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Pro se Litigator

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t: (240) 356-2008
Jholder2004@Gmail.com

directly opposite Mount Briar road's intersection with Dog Street. The road followed the west side of Little Antietam, just as Mount Hebron road follows the east side. The old [unused section of Mount Briar] road connected [Mount Briar] to Antietam Drive near its present dead end, formerly along the B & O rail road tracks. The following Map [1936 Atlas - see Expert B - Report] shows the now lost road which leads from this one, and by Hess's mill to his bridge. **Evidence of this road is still visible today.** This route fit's the pattern of following topography for the gentlest slopes and avoiding stream crossings were possible. In fact, this route parallels the course chosen by the 1868 B & O construction engineers in siting the rail road grade for minimal changes in elevation. This route would have been through Hess's land for much of its course from Dog Street. Why then wouldn't this be the route of the Conococheague road? **This may be very generally, the course of the Indian road, the foot and bridle path from William Park's 1731 Park Hall. The petition to the Court in 1760 confirms it as a horse path at that date...**

Expert A - Retention

Mr. Ellis has not been retained. A letter requesting his deposition and offer to Retain his services was mailed on November 15th, 2021 and attached to this Notice as Exhibit B- Expert Communications

Expert B - Expert Land Surveyor/Engineer

Gerald A. Cump - Principal - Gerald A. Cump and Associates, Inc./ Triad Engineering

1075 Sherman Avenue, Hagerstown, MD 21740 - (301) 733 - 2211

Expert B - Report - Please take Judicial Notice of the - 1936 Atlas hanging in the land records room at the Washington County Circuit Courthouse.

Expert B - Testimony

On July 19th, 2021 at approximately 10:00 am the Defendant Justin Holder met

Justin K. Holder

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Jholder2004@Gmail.com

Expert Gerald Cump leaving the land Records room in the Washington County Courthouse. The Defendant discussed the approximately 12 foot wide "1936 Road Atlas of Washington County showing Road Districts & Road Numbers." (1936 Atlas) *Revised October' 37; By J.B. Ferguson & Co. Engineers, Hagerstown, MD.* In a detailed explanation the Expert proffered his resume of 50 years plus in the Land Survey industry and that the Expert began his career working for J.B. Ferguson Engineering, prior to owning his own survey company, and working for AESI in Hagerstown, MD. AESI is the Survey Company whom surveyed the abandoned Washington County Railroad in southern Washington County for the Department of Natural Resources. Mr. Cump offered his opinion to the Defendant while standing on the corner of Summit Avenue and Washington Street in Hagerstown, MD that "All the roads depicted on the 1936 Atlas were Public Roads". The only opinion that Mr. Cump will be testifying to is the brief opinion provided on July 19th, 2021 in person to Defendant.

Expert B - Retention

Mr. Cump has not been retained as a designated Expert in this matter.

Expert C - Expert Land Surveyor/Engineer

Gary Castle - Gary Castle and Associates

13631 John Kline Road, Smithsburg, MD 21783- (301) 662 -6190

Expert Land Surveyor and Engineer with 30 years of experience and has been accepted by this Court previously as an Expert.

Expert C - Testimony

The Expert Surveyor executed a Deed to the Defendant's claimed land that is a matter of the instant case. The Expert prepared plat 8292 for the adjoining property to this instant case, setting monuments and drawing the location of a "wire fence remaining" that allegedly outlines the "wagon Road". The Expert will testify that

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Pro se Litigator

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the Plat 8292 prohibits any fencing or permanent structures in the path outlined by "wire fence remaining".

Expert C - Report - Plat 8292 recorded among the Plat records of Washington County, Maryland.

Expert C - Non - Retained Expert - Mr. Castle has not been retained as an expert.

Respectfully submitted,

Justin K. Holder, *Pro Se*
308 West Chapline Street
Sharpsburg, Maryland 21782
(240) 356-2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of November, 2021, a copy of the foregoing Notice of Expert Witness Designation was served via the MDEC system to :

Talley Kovacs, Esq.
Brandy Peeples, Esq.,
Robert Kline, Esq.,
Justin Holder, *Pro Se*

Justin K. Holder, *Pro Se*

Justin K. Holder

Pro se Litigator

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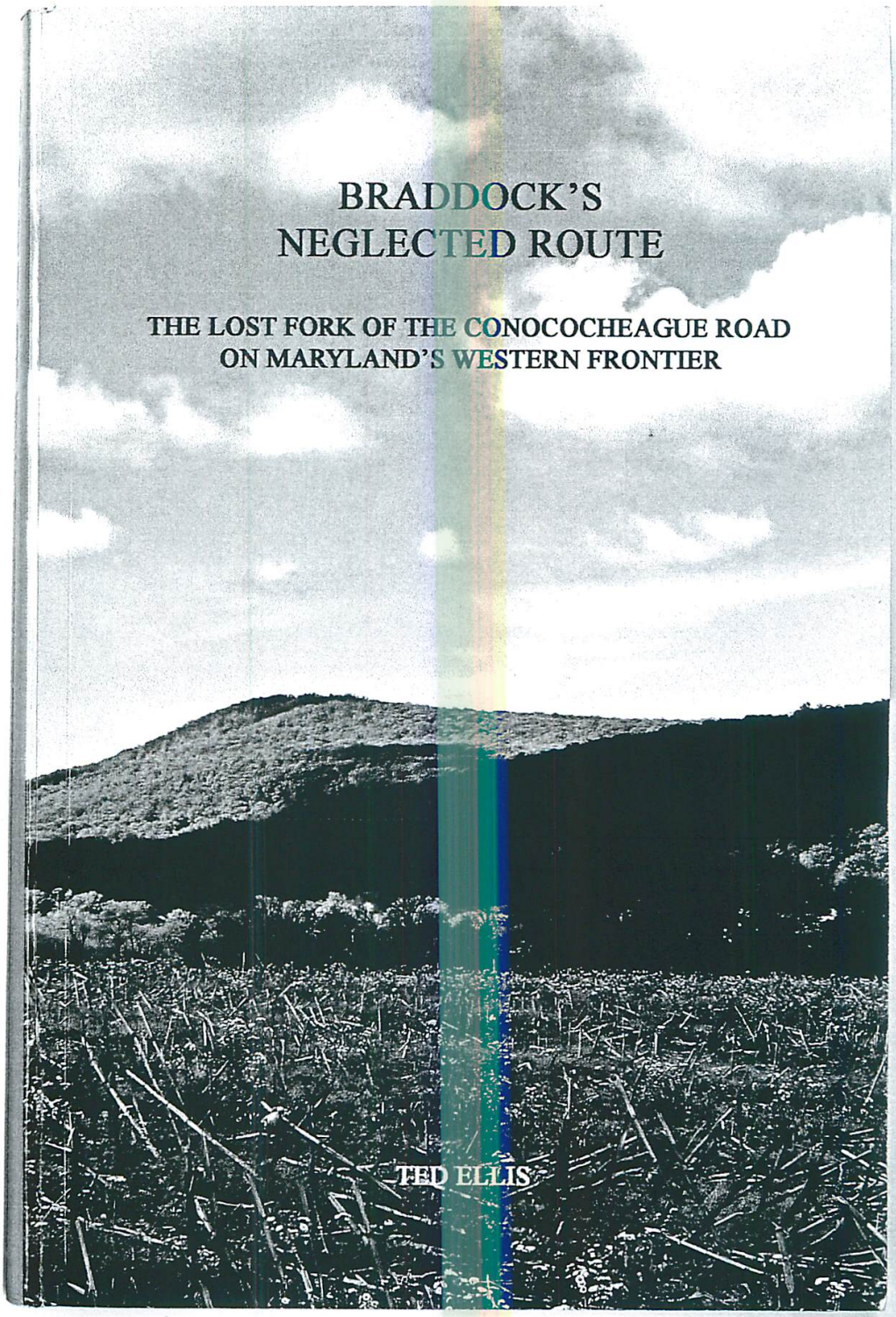

BRADDOCK'S
NEGLECTED ROUTE
THE LOST FORK OF THE CONOCOCHEAGUE ROAD
ON MARYLAND'S WESTERN FRONTIER
TED ELLIS

1373

BRADDOCK'S

NEGLECTED ROUTE

The Lost Fork of the Conococheague Road
on Maryland's Western Frontier

by

Ted Ellis

1374

In memory of Nancy Wilhide Ellis,

who instilled a love of history and a personal connection to it.

1375

Contents

Chapter One – The First Road	Page 1
Chapter Two – The Conococheague Road	Page 19
Chapter Three – Keedysville	Page 27
Chapter Four – Splicing the Ends	Page 41
Chapter Five – Conclusion	Page 67
Chapter Six – The road not taken	Page 73

1376

Acknowledgements

I sincerely thank my wife Kelly. Her support and understanding, more than anything else has made this project possible.

Many have contributed to my reaching this point. I owe a great debt to Curtis Older for his encouragement. Others have entered the picture, frequently at just the right time. The length of this little booklet does not do justice to the research it involved. It exists mostly because of those who encouraged me when the trail went cold and the search seemed futile. Whether they realized it or not, each has been a great help when it was needed most.

Unless noted otherwise, all modern maps are courtesy of Google Maps.com. They have been an invaluable resource in identifying possible routes.

1377

Introduction

In late April 1755 One Thousand men marched this way from Rock Creek Maryland. Present Georgetown, District of Columbia. They were part of the intercontinental Braddock expedition to evict the occupying French forces from Fort Duquesne on the Ohio River. The mission carried the ambitious intent to push the French from there to Canada. It was arguably the largest and most ambitious military initiative in North America to that time. The soldiers were followed by a month-long ferrying of their supplies between Rock Creek and the mission's supply depot at Conococheague. The other half of Braddock's army marched from Alexandria Virginia to near Winchester, where both regiments then took up the same road for the remainder of the journey.

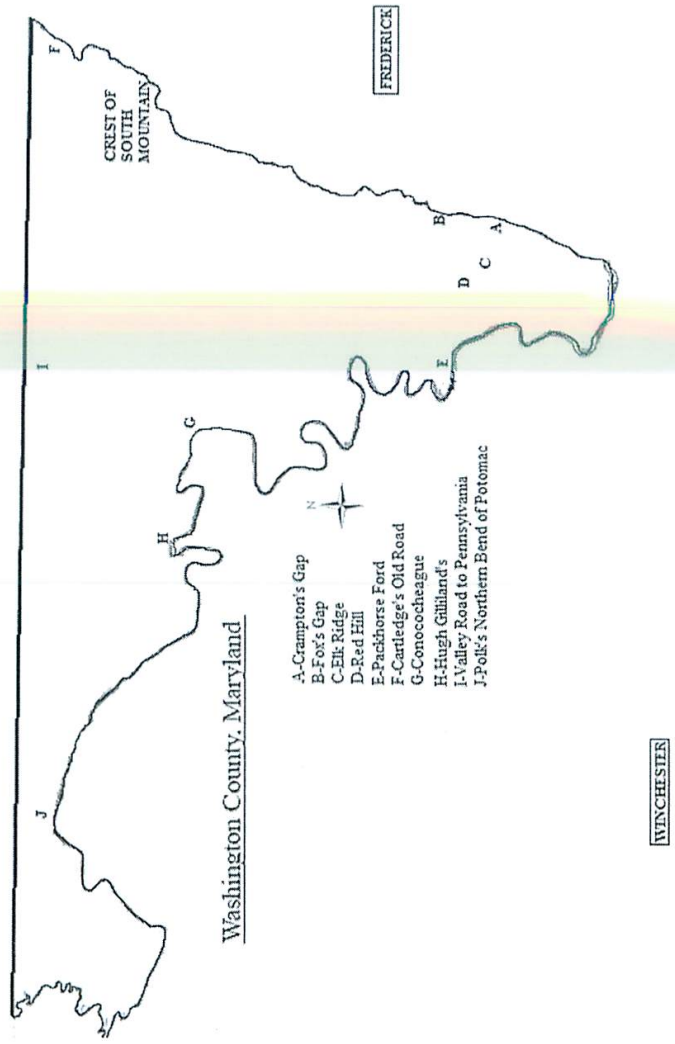
This expedition is perhaps the most examined on the early American frontier. Most of the interest in "Braddock's Road" has centered either on the Virginia route or the western half from Cumberland to Pittsburg. The initial, eastern Maryland route typically earns only passing mention at best, yet it was of much more importance than the several days spent marching on it would suggest. Just as importantly, even more so to Maryland's history, this was a road that had already served a key role in the westward expansion of the colony. By Thomas Cresap's participation in the Ohio Company as well as that venture's role in the events of 1754, it's a road that could arguably be pointed to as one of the sources of what would become the French and Indian War. Parts of this road would continue its

understated role for decades after its most famous use by His Majesty's forty-eighth Regiment of Foot and their ill-fated commander.

I've spent untold hours visiting sites, reading, researching, mining the knowledge of others and piecing together the results. Most of the Conococheague road has been documented. Prior researchers however have had difficulty identifying where this road split out of its parent, The Great Philadelphia Wagon Road. I'm convinced I've discovered this route. Many of the roads discussed are still in use. Almost three centuries later thousands use them daily. Few have any idea of the age or significance of their casual route to work or the store.

I've approached this search as an investigation. Not merely what happened, but also where and especially why. I fear it has created more questions than it has answered and I've struggled to keep it brief.

The men and women of the past were much more prosaic than most are given credit for. Every ambition, motivation, trait and characteristic was as present in the men and women of 1717 as it is in those of 2017. Only the technology and social standards have changed.



1378

1379

Disclaimer

While I have used current roads to identify the historic routes in this book for ease of reference, I in no way imply that the roads and streets named are the literal historic routes. Where present roads are mentioned, they should be viewed in a very general sense. In some cases, as demonstrated, the same roadbed may still be in use from those earliest days, but most are over slightly altered courses.

Many names cited in this book will be encountered with various spellings. I have selected one version and tried to use it consistently throughout. The exception being where historic documents are quoted. Frequently, phonic spellings were used in original documents, which sometimes resulted in actual changes of names, particularly where the Dutch immigrants were recorded by English officials. Native names and native derived names present another category of unique spelling.

Historic diaries from the Braddock expedition can be assumed to have been copied and edited from the originals, not necessarily by the original writer. This again can result in misinterpretations of what may have been questionably interpreted places or names by the original writers, then in unfamiliar surroundings and understandably stressful conditions.

1380

Chapter One - The First Road

Our story begins with the first arrival of Europeans west of the Appalachian Mountains. The history of America is one of immigration. As Canassatego said at the treaty of Lancaster in 1744, "**our ancestors came out of this very ground, and their children have remained here ever since. You came out of ground in a country that lies beyond the seas...**"[1]

From Jamestown and Plymouth, Europeans – Americans, were moving, mostly westward until the whole continent was covered with them. For more than a century, their realm in the British colonies of the mid-Atlantic region ended east of the Appalachian Mountains. A few Indian traders had been crossing the mountains for years and eventually, settlers began to follow. Once it began, a virtual flood was soon unleashed into the fertile Cumberland and Shenandoah valleys and beyond.

This burst of settlement was accompanied by commercial interests. Preceded by them actually. Trade with the natives, the natural resources and the agricultural potential of these new lands as well as the land itself all held the potential for profit. Government may be the function of society, but commerce is what drives it and the society it serves. Once the colonies began doing business beyond the mountains, nothing would stand in the way.

In 1721 Philemon Lloyd engaged in an ambitious exploration of the upper Potomac River region on behalf of Lord Baltimore. The most notable result of which

[1] A Treaty held at the town of Lancaster in Pennsylvania, by the Honorable Lieutenant Governor of the Province, and the Honorable Commissioners for the Provinces of Virginia and Maryland with the Indians of The Six Nations in June, 1744, Benjamin Franklin pg. 51

for our purposes, is his resultant map of "Patowmack beyond ye habitations" There is speculation he had a mission more involved than simple exploration, but that's for another story. His map shows only one European's home in today's Washington County Maryland. That cabin, simply noted as belonging to an Indian trader is depicted at the mouth of Conococheague Creek. It is widely assumed to be the home of Andrew Friend[2] who is also known as Nils Larsen Frande. A second-generation Swede originally from the New Sweden colony along the lower Delaware River. Later moving to Cecil County Maryland before relocating farther west on the Potomac.

Andrew's son Israel, born in 1693 in Chester County Pennsylvania, would be remembered for the first deed in Maryland west of the Appalachians. The so-called Indian Deed. The Friends and their associates, mostly others from the former Swedish community, were among the first permanent European inhabitants in the region of Maryland west of the Blue Ridge. Israel's wife is thought to have been a native but there is only family legend to confirm it. The first mention I've found of him is from 1725 as an emissary of Maryland, carrying a message to the Shawnee then living at King Opessa's town, which would later become Oldtown in southern Allegheny County Maryland.

Next, we find Israel as the recipient of the so-called Indian deed at the mouth of Antietam creek. The 1727 document was considered invalid by the Maryland authorities since individuals were not allowed to negotiate personally with the natives. It was recorded none the less and remains in the Maryland archives.

[2] Isreal Friend, by Dan Guzy, Conococheague Institute, http://cimlg.org/ciblog/2014/11/07/israel-friend-a-three-part-series-by-dan-guzy/

1381

At this early date, there were already a few of the so-called Dutch immigrants moving south out of Pennsylvania, though their major impact would not be felt for decades. Immigrants of other nationalities were coming into the area as well, mostly from the north. As well, the 1730's saw an economic crisis resulting from a collapse of the tobacco market. Many from Maryland's elite would take interest in the frontier lands during this decade. Particularly inviting to such land transactions was Charles Calvert's action of 1732 suspending the prerequisite caution money required for a land grant. A family could claim up to two hundred acres and an individual up to one hundred acres without paying the previously required forty shillings per hundred acres. It was essentially free land to anyone willing to live on it. As with any such good thing, there were men scheming to take advantage of it. Since land warrants could be assigned to others once issued, we can be sure unscrupulous speculators took advantage of this system. Investors were setting aside large tracts in anticipation of the land being taken up by the settlers the proprietor was seeking. Afterward, those investor's lands would be worth much more.

In 1732 as a result of this increasing settlement, the natives filed an official diplomatic objection with the Maryland government. **"I Captain Civility make bold with these few lines, for I certainly did hear as their Intention to take the land from Us if possible... above Andahetem and I heartily desire you not to do it...for we are very much disturbed and I would have you not to press too much**

upon Us for We have given no body of Land yet but Israel Friend at the mouth of Andahetem..."[3]

Maryland's response was to ignore it. The reasoning was the contention their previous treaty with the Susquehannocs near Chesapeake Bay granted them the entirety of the King's colony assigned to the Calvert's. The Indians understanding was that it only extended to the Blue Ridge mountains.

By 1739 there would be enough permanent European residents in the area to prompt an unsuccessful petition for a new county. Maryland ignored that as well, but they were obviously growing concerned about their title to the frontier, or perhaps their concern was in preventing the natives from eventually taking matters into their own hands.

1382

In the summer of 1744 representatives of The Six Nations met with ministers from several colonies, including Maryland. The Iroquois negotiator, Canassatego heard Maryland's claim regarding the old treaty. Following is his reply to Maryland's ministers at Lancaster.

" ...We have had your deeds interpreted to us, and we acknowledge them to be good and valid, and that the Conestogoe or Sasquahannan Indians had a right to sell those lands to you, for they were then theirs; but since that time we have conquered them, and their country now belongs to us, and the lands we demanded satisfaction for are no part of the lands comprised in those deeds; they are the Cohongorontas Lands; those we are sure you have not possessed one hundred years, no, nor above ten years, and we made our demands so soon

[3] Archives of Maryland, Vol. 28, pages 10-11

as we knew your people were settled in those parts. These have never been sold, but remain still; to be disposed of; and we are well pleased to hear you are provided with goods, and do assure you of our willingness to treat with you for those unpurchased lands; in confirmation, whereof, we present you this belt of wampum." - Canassatego, speaking for The Six Nations[4]

Treat they did, and the Maryland ministers came away from Lancaster in 1744 with clear title to the lands beyond the Blue Ridge. The language barrier would eventually lead to another conflict concerning just how far west the natives intended Maryland's new treaty to be valid, but the English, once again viewed it as an unencumbered title.

Other factors were at play prompting European migration west and with this new clear title, an increasing tide of humanity soon ensued. In the mid-eighteenth century, the German residents between the Susquehanna and Delaware in Pennsylvania were beginning to get crowded while more were still pouring in from Europe.

Maryland and Virginia had an abundance of land and much cheaper terms. A combination too inviting for the frugal Germans to ignore.[5] It was however land investors, the equivalent of today's developers that would make the first claims with the hope of reaping profits from selling or leasing the lands to others.

[4] A Treaty held at the town of Lancaster in Pennsylvania, by the Honorable Lieutenant Governor of the Province, and the Honorable Commissioners for the Provinces of Virginia and Maryland with the Indians of The Six Nations in June, 1744, Benjamin Franklin pg.53

[5] While these immigrants are referred to generally as Germans, they actually had varied northern European roots. Europe was not then a land of clear boundaries as we envision today. Their name as Germans, or Dutch as was typical at the time, can be roughly attributed to their common language Deutsch, rather than geo-political origin.

The first land grant west of South Mountain is William Park's 1731 Park Hall[6] on the west side of the mountain between Crampton's and Fox's gaps. The grant identifies it as being near "the Indian road" through the mountains. This reinforces the assumption that the earliest visitors followed established native routes.

Undoubtedly this Indian road was one of the first overland routes into western Maryland. We see it frequently referred to in early records east of the mountains as the road by Richard Touchstones. It is sometimes called the road to Israel Friend's mill or the road to Antietam. While the exact location of Israel Friend's mill remains elusive, we've already seen he was one of those earliest residents. As Captain Civility mentioned, the only white man considered by the natives to be a legal resident in 1732.

1383

This was a branch of the native's Monacacy Path, it in turn a branch of the Mequa Path, which was the primary trading road from the interior beyond the Susquehanna river and led to the lower Delaware, particularly Philadelphia.[7] The Monacacy path led through what would later become the towns of York, Hanover and Littlestown in Pennsylvania, to Taneytown, and Frederick in Maryland. From Frederick, the trail originally continued to the Jefferson and Burkettsville areas to cross South Mountain by Crampton's Gap. It then crossed Antietam Creek to reach the Great Packhorse Ford, crossing the Potomac below Shepherdstown West Virginia and on into the Shenandoah valley. Identifying the exact course of this path will take more research, if it's ever to be identified, but we know it traversed the mentioned

[6] First hundred surveys – the Arthur Tracey collection
[7] Historic Indian Paths of Pennsylvania, Paul A.W. Walace

obstacles at Crampton's Gap and Packhorse Ford. It's also sure there was some path branching from it, going west on the north side of the Potomac.

While it became a public road in 1733, this "road" would not meet the needs of the vehicular traffic that enabled the migration and commerce of European colonists. The Crampton's Gap route would remain a horse path well into the second half of the 18th century.[8]

Richard Touchstone lived on Catoctin Creek in southern Frederick County near where Rt. 383, Broad Run Rd. crosses the creek. Broad Run / Gapland roads are essentially "the road to Antietam," from early records. It is the earliest recorded road to Antietam, Conococheague and farther west through Maryland.

Touchstone's wife Sarah was a sister to Hannah Cresap, Col. Thomas Cresap's wife, and the Touchstones were living among those who Cresap led in the area of Wrightsville Pennsylvania, where the Mequa path crossed the Susquehanna River. There, in the early 1730's these Marylander's tried to establish Lord Baltimore's boundary claim to the 40th parallel, which resulted in a small-scale border war.[9] Eventually it took intervention by the king himself to quell the dispute. Afterward, it's not surprising to find Touchstone moving further down the Mequa Path to this 1739 tract.

Cresap traveled even farther to Washington County originally, and later Allegheny County, Maryland. Most of the Marylanders involved in the so-called

[8] The Aug. 3rd, 1768 patent for Joseph Keephart's Stoney Ridge between Crampton's and Fox's gaps has the following description, "…east side of Shenandoah Mountain between the bridal road gap and the main wagon road gap that leads from Fredericktown to Sharpsburg…" Patented cert. #4599, MSA S1197-5022
[9] Pioneers of Old Monacay, Grace Tracey & John Dern, as well as other sources. A book could easily be written on the Conojocular war.

Conojocular war on the Susquehanna, later show up along this road or the mountains of western Maryland and Virginia. Some speculate they were still essentially covert agents of the proprietor, guarding his domain from encroachment by neighboring colonies.

The Indian road of course was not a road as we think of them. These were trails or paths at best. Paul Wallace in Historic Indian Paths of Pennsylvania, cites descriptions of some of these trails being no more than 12 to 18 inches wide. This would change as more Europeans moved into the region, but most notable is where a reference is found to a wagon road. A road may be a horse or footpath through the woods. A reference to a wagon road however, leaves nothing to interpretation. While considering the siting of an 18th century wagon road, we must also consider what an 18th century wagon was and especially what it was not.

1384

Unlike the covered wagons of western movie fame, the teamster typically did not ride in the wagon. He walked alongside it. These wagons did not have suspension or even a seat on which to ride. Just a wooden box set upon a wooden frame. Even on the best roads, the ride would have been jolting.

Another huge difference in these early wagons was that they lacked brakes. As difficult as it would be for a team to pull a heavy wagon up a steep hill, going down was no easier as the horses were all that held the load back against the force of gravity.[10] Until the second half of the 18th century, we're dealing with the Dutch farm wagon rather than the later Conestoga freight wagons of TV and movie fame. Smaller vehicles with none of the later refinements.

[10] "Conestoga Wagons in Braddock's Campaign, 1755" - Don H. Berkebile

The first specific mention of a Conococheague road is Osborn Sprigg's May 1732 patent for a two hundred eighty-five-acre tract named Forest on the east side of the mountain. Described as being, "On the side of the Conococheague Road near the Shenandoah Mountain."[11] Two years later in a June 1734 patent for 366 acres also east of Shenandoah Mountain, Richard Spriggs' would describe his tract Pile Hall, as "on the Conechigany road."[12] While William Parks used Crampton's Gap and this Conechigany road, the Indian road, to reach Park Hall and the valley beyond the previous year, it was neighboring Fox's Gap that had found preference as the primary route. We have evidence from at least 1732 that the Fox's gap route was The Philadelphia Wagon Road. Whether Fox's gap was an original branch of the native Monacacy path, or a later shortcut of the Europeans is unknown. In December 1732 John MacGruder patented a tract he named Forrest[13] located, "about half a mile above the wagon road that goes from Connestoga to Opeckon where it crosses a creek called Katankin which falls into the Potomac River..." This tract was about two miles northwest of Middletown. The road from Conestoga to Opequon positively identifies this as The Philadelphia Wagon road.

In 1736 the notes from the Winslow survey party, employed to establish the boundary of Lord Fairfax's Northern Neck proprietorship by the course of the Potomac River, made note on October 25th after spending the night at "Spurgens house," they resumed work the next day "at the wagon road." This was packhorse

[11] Land Tracts of the Battlefield of South Mountain, Curtis Older page, 138
[12] MSA, S 1590-5702 El 3, pg. 425 Pile Hall, Pioneers of Old Monacacy, Grace Tracey and John Dern / Today's South Mountain was previously known as Shenandoah Mountain.
[13] Forest was a popular name for land tracts. John MacGruder's 1732 tract and Osborn Sprigg's 1734 tracts are distinctly different parcels, two of many by that name, and not to be confused. Land Tracts of the Battlefield of South Mountain, Curtis Older, page 138.

ford, although by this time there was probably at least one ferry operating nearby as Winslow's map shows both Samuel Taylor opposite Antietam Creek and William Shepherd just above the ford. Both men are known to have operated ferries on the Potomac. As well, there is a Spurgen on both sides, opposite one another right at the ford, which may indicate they were involved with ferrying or otherwise assisting travelers crossing the river. Winslow's map also notes in 1736 "Waggon Road to Philadelphia" at this location, with a dotted line crossing the river. As an aside, these surveyors suffered a mutiny of sorts by their previous pilot or guide, and much of their crew several days earlier. Fortunately, this happened while they were near the home of Israel Friend. The same man granted the Indian deed nine years earlier. By then he was living on the Virginia side of the river below his original tract at the mouth of the Antietam. The mission was saved by Hiring Israel as their new pilot and his recruitment of local men as replacement laborers. Israel stayed with the project until the end in mid-winter 1736 and the establishment of the Fairfax stone at the source of the north branch of Potomac.[14]

1385

At this early date the road was already seeing considerable traffic from locals doing business on both sides of the Potomac as well as immigrants. As sparse as the population of western Maryland would remain for another decade, the Shenandoah Valley of Virginia was being populated at about the same rate and this

[14] Much speculation has taken place though the years concerning the misinterpretation of the north branch as the Potomac's source as opposed to the longer south branch. The participation of Israel Friend, a man we can safely assume was familiar with the region, opens the possibility there was more going on. The Friend family's long association with Maryland and Israel's subsequent re-location to Virginia after his 1727 deed was declared void by the Maryland authorities may have created some animosity leading to his collusion in denying the Calvert's half of the south branch valley. Close to two thousand square miles of land. When this dispute was finally settled in 1910, the north branch was confirmed to be the wrong boundary, but having been recognized for so long, it became the official one just the same.

was the primary route of the migration.[15] As unlikely as it seems today, these settlers continued a trade with the Philadelphia region up to more than four hundred and fifty miles away. While not taking place until the 1790's Christopher Orndorff's diary of his family's migration from Sharpsburg to Kentucky gives some insight into the process of travel along this long road south.[16]

The 1734 patent for Thomas Swearingen's 115 acre Fellfoot, places it "on the road commonly called the wagon road." Fellfoot is on Dog Street road near Keedysville. We know from a later survey documenting the road from Fox's Gap through South Mountain to Swearingen's ferry, that road was over Dog Street more or less as it exists today.

Following the earlier Mequa and Monacacy paths, the Philadelphia wagon road came from the Susquehanna valley near Lancaster and crossed the Susquehanna at Wrightsville and Columbia to the region of York. From there it followed closely the courses of Rt. 116 and Rt.194 to Frederick Maryland, then swung west to cross the Appalachians at Fox's Gap. The road then turned southwest once again to the Potomac River before reaching for the destination of Opeckon[17] in the vicinity of Winchester, Virginia.

Why the shift from Crampton's Gap to Fox's Gap? Several factors are involved. Primarily we must remember we're dealing with 18th century travel. First and foremost, Fox's Gap is much closer to Frederick. The Crampton's Gap route is

[15] By the 1740's, settlement along this route had reached as far south as the Yadkin valley of North Carolina. Carolina Cradle, by Robert W. Ramsey details the systemic migration of settlers into the region of northwest North Carolina, tracing numerous families immigration from Maryland, Delaware and Pennsylvania.

[16] Chapter XI, page 100, From Mill Wheel to Plowshare, Julia A. Drake and James r. Orndorff.

[17] One of various early phonic spellings of the name we know today as Opequon. Pronounced "O-peck-un" locally. The Opequon is a 65-mile-long north flowing creek joining the Potomac just below Williamsport Maryland.

as far from Frederick to the top of the mountain as the Fox's Gap route is from Frederick to Keedysville. By Crampton's Gap the road still has another six miles to reach Keedysville. At least one half day's travel was saved by the Fox's gap route, but this was not the primary reason in the 18th century.

Two major issues to period wagon travel are river crossings and steep hills. South from Frederick, the Potomac is much wider below the confluence of the Shenandoah at Harper's Ferry. In the earliest days before ferries were established, the only way across was by fording the river. There are a number of places below Harper's Ferry where you can do this today, but only under the best conditions.

One of the most reliable fords was near today's Shepherdstown West Virginia. The Great Packhorse Ford. It was above the Shenandoah so not as wide, yet not so far out of the way as to be inconvenient. The widespread use of pack animals is not as well appreciated today, perhaps due to the influence of literature and movies depicting Conestoga-type wagons. We have evidence from as late as 1760 that packhorses were still in common use for transport locally. The November 1760 Frederick County court heard a petition from the residents of the Elk Ridge area (SE Washington County) for a new road in their neighborhood. Stating in part regarding their old path, "…it has become almost impractical for to pass with loaded horses to any of our mills…" The survival of the name Packhorse Ford itself for the river crossing near Shepherdstown West Virginia speaks well to this mode of conveyance. There are also numerous references to trains of pack horses being used from the local region into western Pennsylvania well into the second half of the eighteenth century. Wagons however, are known to have used packhorse ford up to

1386

at least the American Civil War, when it was Confederate General Robert E. Lee's route of retreat following the Maryland campaign in September 1862.

Fox's and Crampton's Gaps are similar in elevation and incline. However, west of Crampton's gap and between it and Packhorse Ford are Elk Ridge and Red Hill mountains. A line due west from Fox's Gap passes just north of where both of these two mountains swell up from the valley floor. When crossing South Mountain at Fox's Gap, you travel west until passing the end of Red Hill, then swing southwest directly to the ford with minimal difficulty. It didn't take long before enterprising men built ferries to serve these travelers, thus making the river crossing more or less inconsequential. By then however, the route was well established.

By the time the land rush began in earnest, the Maryland portion was known most popularly as "the wagon road to Swearingen's Ferry." There were other ferries operating near Shepherdstown, and we see them mentioned, but it is Swearingen's Ferry that is best remembered and most noted.

While the Great Philadelphia Wagon Road used Fredericktown and Fox's gap, another route was finding favor even as that road was peaking in importance. The Valley Road, from Harris's Ferry, present Harrisburg on the Susquehanna, to Watkins Ferry on the Potomac at Williamsport Maryland. It was already gaining traffic long before the most important events on the older road would take place. The 1750 Frye & Jefferson map of Virginia clearly shows the "Philadelphia Wagon Road" crossing the Potomac near Shepherdstown. The route crossing near Williamsport and continuing to Harrisburg is noted simply as "the wagon road." This other road south while longer, reached the valley by detouring north of the South and Catoctin Mountains on more or less level ground all the way. It spurred

development through the center of the valley, but the Conococheague road out of the older route remained the main road west through Maryland for several decades thanks to connecting roads from the Frederick area to Rock Creek, Annapolis and later, Baltimore.

Another early road into what would become Washington county, one of some importance to the German migration, was Cartledge's Old Road[18]. However, it had its origin in Pennsylvania. In 1737 Edmond Cartledge held the tracts of Hickory Tavern at the present site of Sharpsburg as well as (presumably) his home at Fountain Rock[19], near today's St. James school. Cartledge had been traveling into and through the area for many years as a trader, with a notable incident in 1721 when he and brother John were involved in a drunken altercation with a Seneca client resulting in the native's death.[20] By 1745 Edmond was among those who'd, either found the area too crowded or perhaps seeking opportunity and adventure, had moved on down the wagon road to North Carolina.[21]

1387

We are lucky to have a record of the Swearingen's Ferry road from a survey commissioned by Maryland in 1792. While this was long after our period of interest, there is little reason to suspect there had been much change. Most of the route remains in use even today by various names. When I plotted the course using

[18] Forking out of the Monacacy road assumedly near Gettysburg. It probably crossed South mountain near Blue Ridge Summit, the old Ft. Ritchie and Edgemont and is probably the precursor of the road shown on several old maps crossing the upper branches of Antietam Creek to William's Ferry, east of Williamsport. More research will be needed, but his road into the upper reaches of the Antietam and Conococheague valley was important to the settlement of the Hagerstown region.

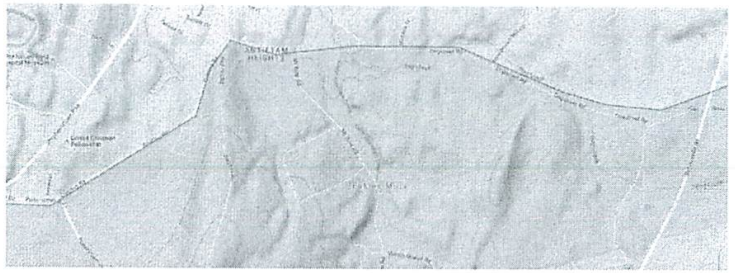
[19] Hickory Tavern – MSA S1203 1142, Fountain Rock – MSA S1226 152

[20] While this incident almost assuredly happened in Maryland, it was investigated and adjudicated by the Pennsylvania authorities. Until the 1740's most native affairs in western Maryland were handled by Pennsylvania, whether through confusion or subterfuge as part of the border dispute is open to debate. Interestingly, it was the Iroquois who allegedly intervened on the Cartledge's behalf and spared their lives. See "At the Crossroads," Jane T. Merritt page 69

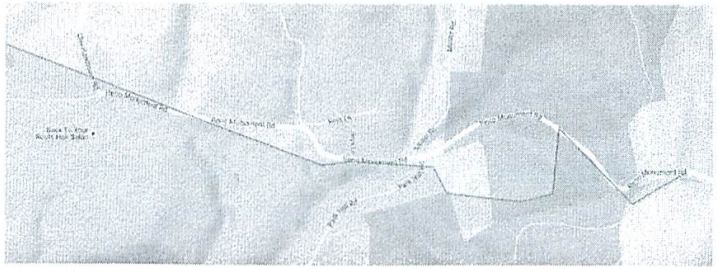
[21] Carolina Cradle, Robert W. Ramsey page 70

the original measurements and modern CAD surveying software, I was stunned by just how closely it still matches existing roads.

Swearingen Ferry to Dog Street

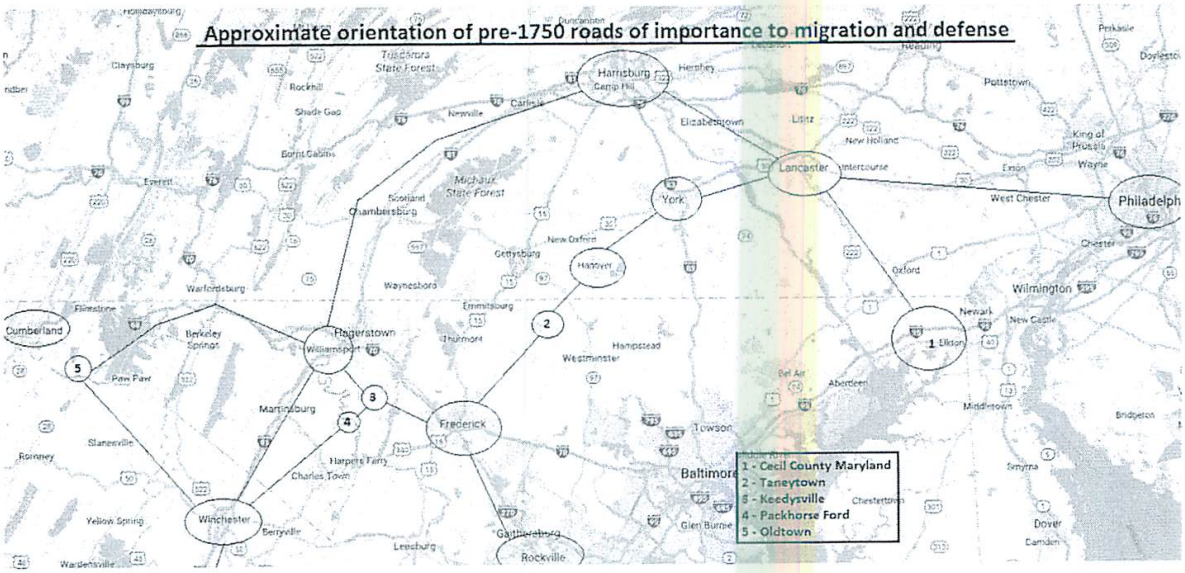


Swearingen Ferry Road, Porterstown to Mt. Carmel Church

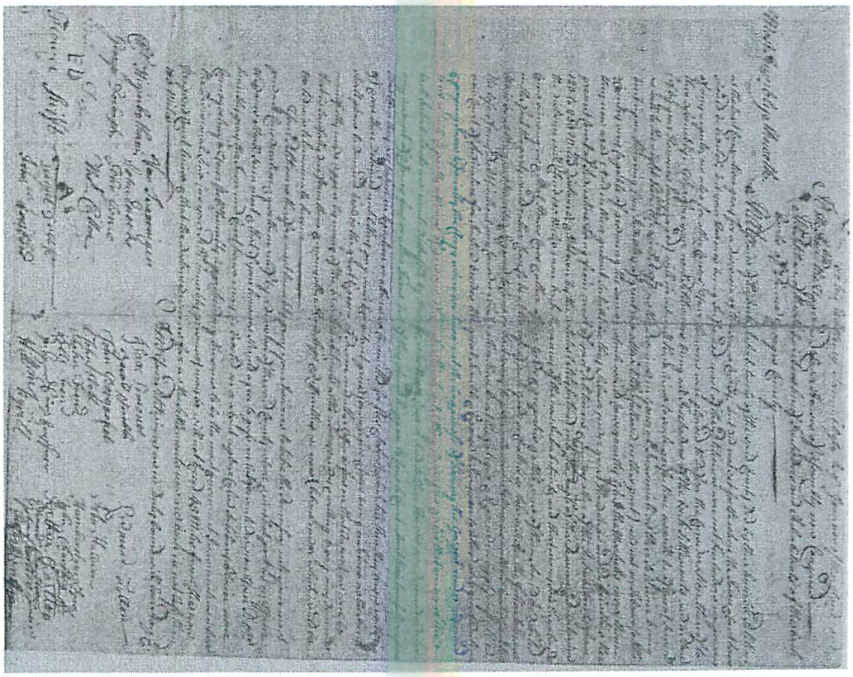


Swearingen Ferry Rd. – Mt. Carmel Church, To Fox's Gap[22]

[22] All three Swearingen Ferry road plats drawn by CAD software using original 1792 survey calls.

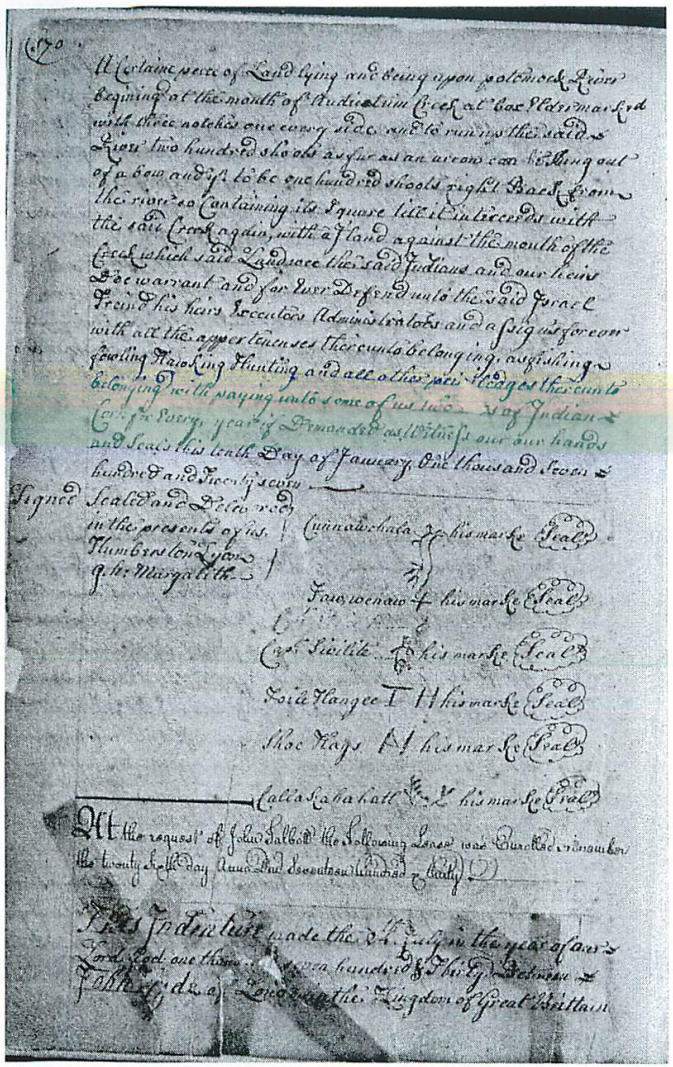


16



1739 Petition for a new county. Maryland archives

17

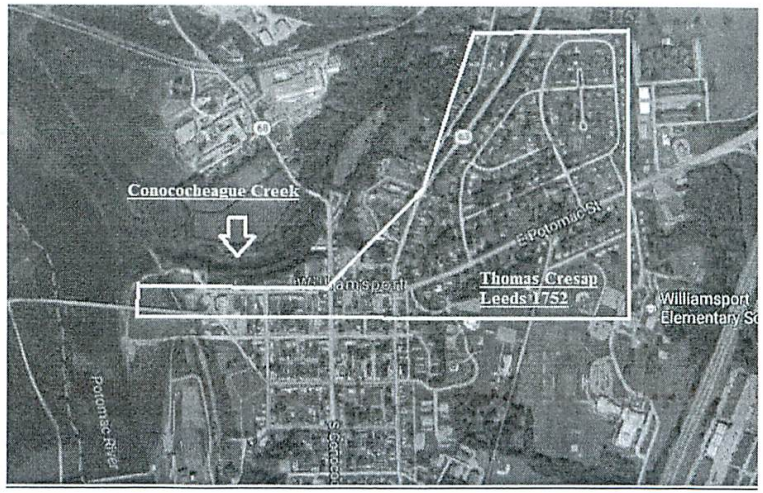


1389

Deed from Chiefs of the five nations to Israel Friend, Maryland archive

Chapter Two - The Conococheague Road

While the title of this chapter seems rather straightforward, before proceeding we must examine just what and where Conococheague was. Conococheague is a large creek that empties into the Potomac River at Williamsport Maryland. Conococheague was the destination of Col. Dunbar's 48th regiment in the Braddock march of 1755. It is where the magazine or supply depot was located on Thomas Cresap's "Leeds" land tract. While we do not know the exact location of the magazine, Cresap then owned much of what is today Williamsport. This was where supplies from Pennsylvania and eastern Maryland were transported to be dispensed to the army in the west as needed.



Many have made the assumption that Williamsport is a continuation of some early village named Conococheague. While a safe generalization, this would be a gross over simplification of how later towns evolved from waypoints along wilderness trails. The earliest routes entering the upper Potomac frontier came from

the region near the head of Chesapeake Bay or Philadelphia, first going north, to cross the Susquehanna and then going upstream from the west bank of that river on some eastward flowing tributary. This may partially explain early maps, made before extensive exploration had taken place, depicting the Potomac almost parallel to the Susquehanna.

Conococheague Creek has a course of some eighty miles, reaching nearly sixty miles into Pennsylvania. Like the Monacacy branch of the Mequa path between the headwaters of Cordus creek and the Monacacy River, there is a portage between the west branch Conococheague headwaters and those of the Conodoguinet[23] Creek, which flows to the Susquehanna. It was allegedly a native travel route between the Susquehanna and Potomac, which may explain Andrew Friend's decision to locate his base for the Indian trade at the mouth of Conococheague creek[24] in the 1720's.

1390

Conococheague Manor was the name of the 10,594-acre tract Lord Baltimore reserved for himself in 1736 in the Downsville vicinity.[25] Early land grants many miles from that tract are frequently identified as being "in his lordship's manor of Conococheague." These tracts identify the early practice of calling anywhere west of the blue ridge, Conococheague.[26] It was a region rather than a specific place.

[23] Pronounced "Con-a-dah-gwint"

[24] In July 1721 two emissaries of the Seneca, Ghesaont and Awennool traveled to meet with the governor of Virginia at Williamsburg. They are assumed to be the same two Seneca who Philmon Lloyd met with at Friend's cabin in August during his mapping trip of the Potomac. They are known to then be returning from Virginia and Ghesaont died somewhere on the journey home. Since there were still two Seneca at the Potomac, Ghesaont may have died somewhere on this trail between the Potomac and Susquehanna. Pg. 19-21, Colonial Records of the Upper Potomac Vol. One, William H. Rice

[25] The proprietor had numerous such "manors" around the colony, which were leased in smaller tracts to farmers as a source of income.

[26] Evan Shelby's Daughthday's Cabbin, MSA1226-111, "standing by the side of the northwest fork of Licking Creek… to be held of Conococheague manor" is only one example of a tract identified as in Conococheague manor, but definitely not on Conococheague Manor.

Conococheague was the name of the loose, scattered settlement taking shape generally in the vicinity of Williamsport. Conococheague Hundred[27] was an official Maryland designation of the region. The borders of which changed several times as the population grew and additional hundreds were designated. All references are brief and period specific and may appear simultaneously for very different places.

Adding to the confusion is that the name Conococheague was used for various locations in Pennsylvania from Mercersburg to Chambersburg during this period and since the provincial boundary was uncertain, references can pertain to either or both colonies. We can however, use the well documented example of the Pennsylvania Conococheague Settlement as what constituted a settlement in the early 18th century. These were communities of widely scattered homesteads, not town-like clusters of cabins

We see this confusion over place names and road destinations repeatedly in the early eighteenth century. Monacacy and Opequon being familiar examples. Whether there was actually a specific village by any of these names we may never know for sure. What we do know is roads with these names as destinations did go to specific places. Those road destinations have consequently been adopted by some as the origins of the towns which did eventually grow around many of them.

"James Christie states that he lives on the Great Road that leads from Frederick Town to Conococheague and asks for a license to keep a public house there..." The Frederick County court in August 1755 heard several requests for the

[27] A Hundred is an old English administrative designation that can loosely be compared to present election districts. In 1748 Conococheague Hundred extended from the Conococheague Creek to Tonoloway Creek, the Aurthur Tracey Collection, Carrol County Hist. Society.

operation of public houses[28], including the preceding one. James Christy then owned a tract named Christo's Folly on Marker road at the foot of the mountain, on the east side of Fox's gap.[29] The road from Middletown, today's Alternate route 40, is known to have originally followed Marker, Bolivar and Reno Monument roads.[30] Thus, we have a definite starting point for our road. A confirmation that the Conococheague road and the Philadelphia wagon road were one and the same before branching east of Keedysville.

The Conococheague road led to the creek of the same name. There is a surviving state survey of what was by then called the Fort Frederick road from South Mountain to Williamsport made in 1791. Williamsport originated in 1787, the work of Gen. Otho Holland Williams who envisioned it as an idyllic location for the new nation's capital city. This road takes a slightly different course over South Mountain through Turner's Gap and Boonsboro. It originated as a development of road improvements made in conjunction with the Forbes expedition of 1758 as a more direct route to Fort Frederick.[31] All early references call the Catoctin Creek to Williamsport route, the road to Fort Frederick. Fort Frederick wasn't authorized by the legislature until 1756 due to the violence following Braddock's defeat in 1755. Conversely, we have many references to the Conococheague road from decades earlier.

In 1748, a decade after residents beyond the blue ridge had first requested the formation of a new county, the colonial legislature finally granted their request. In

[28] Public houses or taverns were more related to motel/restaurants than bars.
[29] Land Tracts of the Battlefield of South Mountain, by Curtis Older
[30] The Braddock Expedition and Fox's Gap in Maryland, Curtis Older
[31] This Was The Life, Millard Rice, page 186

that year, Frederick County was created from parts of Baltimore and Prince George's counties. It encompassed all of present Carroll, Montgomery and Frederick counties, and everything west of them. Trips to the courthouse for basic services would be drastically reduced. Fredericktown was selected as the county seat. One of the first acts of the new Frederick County court was to order several roads.

Frederick County court records, March court, 1748 –
"At the request of Mr. Nathanial Wickham for the court to appoint… Col. Thomas Cresap, Thos. Prather and James Dickson, Gentlemen are by the court here appointed to lay out a road from the mouth of the Conococheague to the Pennsylvania line; and one other road from the most convenient part of Conococheague into the road near Moses Chaplines; and also another road from Conococheague to Hugh Gillilans into the former road..."[32]

While the record does not make that distinction, we must assume this was yet another order for road improvements. We have clear evidence roads existed in each direction prior to 1748. The record tells us that Moses Chapline's home was then at his Mount Pleasant tract on Dog Street road, just west of Mount Carmel Church road.[33] In fact Moses and members of his family are still there.[34]

Hugh Gilliland lived at Big Spring on the tract Beal's Fort, just east of where Fort Frederick would be built in another decade. From the same March,1748 court

[32] The colonies used the English law of appointing responsible person(s) as the supervisor for specific public roads and every taxable resident in that district was then responsible to them for providing labor several times a year on scheduled days to perform necessary repairs. Nathanial Wickham was one of the justices of the Frederick County court. Pioneers of Old Monacacy, Tracey and Dern
[33] Arthur Tracey collection and "The Chaplines of Maryland and Virginia", by Maria L. Dare
[34] The deed from Moses Chapline Jr. to Michael Fackler, dated April 1, 1779, as Moses junior was settling his late father's estate has the following caveat; "*That the impaled burying ground on the af's to the contents of one quarter of an acre of land shall stand and remain the property of the said Moses Chapline and his heirs and also to all and every the heirs of Moses Chapline deceased, as a family burying place to every of them to have free access to and as often as cases of mortality shall require forever.*" Moses had an impressive house for the period, described in detail in Ms Dare's history of the family. The house burned in 1901.

there is a record establishing a ferry over Conococheague Creek to be operated by Edward Wyatt and specifying fees. Among the charges "three shillings for wagons belonging to non-residents."[35] This further confirms there was a wagon road crossing the Conococheague Creek prior to the road order. We know the roads were laid out and opened. Cresap and Prather reported as much to the court during the November 1749 session. However, as we saw in the last chapter, Richard Sprigg's 1734 patent for Pile Hall on the east side of Crampton's Gap mentions the road to Conococheague. The 1739 record for George Stuart's tract, The Vineyard, places it within 10 poles of where the Conococheague road crosses Antietam Creek. Confirmation that a road existed before 1748 is well documented.

The crossing referenced in The Vineyard's patent has been identified as near where Keedysville road still crosses the Antietam.[36] The western leg "to Hugh Gillilans and into the former road" we know connected near the mouth of Conococheague Creek. There is an even earlier record[37] from 1743 of a petition by the inhabitants of Potomac, Antietam and Conococheague for a road from "the ferry at the mouth of Conococheague Creek to Capt. Thomas Cresap's since the route is much frequented by travelers." Thomas Cresap's (Sr.) of course is known as Oldtown. The location where the Braddock march re-crossed the Potomac back into Maryland from Virginia, on their 1755 journey to Fort Cumberland.

One feature of the original landscape which has been lost to later agricultural practices is The Great Marsh. We seldom think of marshes this far inland, but there

[35] Page 2, This Was the Life, Excerpts from Judgement Records of Frederick County Maryland 1748-1765, Millard M. Rice.
[36] The Braddock Expedition and Fox's Gap in Maryland, Curtis L. Older
[37] Prince Georges county court Book 14, Liber AA, page 480

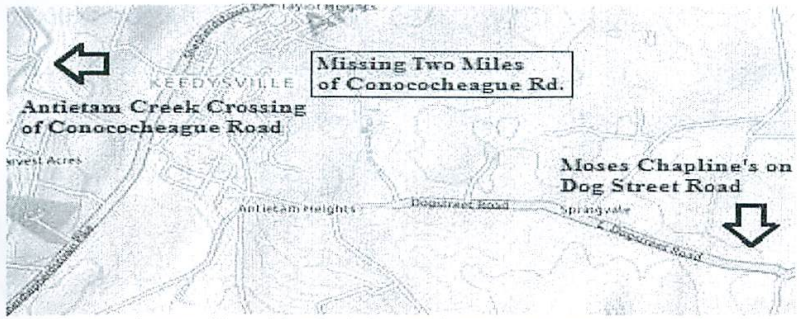
is a long stretch of low ground between route 65 and route 632 that in addition to being a topographical depression, has numerous large springs providing abundant water. This whole district from the Conococheague to the Antietam was originally named Marsh Hundred.[38] The course of the Conococheague road via Bakersville road, crosses St. James Run (historically Marsh Run) at a point near the very end of the historical great marsh.[39] The Fort Frederick road of the 1750's cuts through the middle, but uses broken and slightly higher ground present at that point. We may never know if drainage work or perhaps a corduroy road of logs was used in the low places, but this re-alignment certainly required more work than the previous Conococheague road's detour around this ancient land feature.

While we do not have a detailed survey of the Conococheague road, there are several enticing bits and pieces as well as the yet existing roads. Maps dating to the mid-19th century tell us the route has not changed much since then. From the evidence of the other two 1790's survey's and their compatibility with modern roads, there is no reason to suspect the Conococheague road has changed much except for minor straightening through the years.

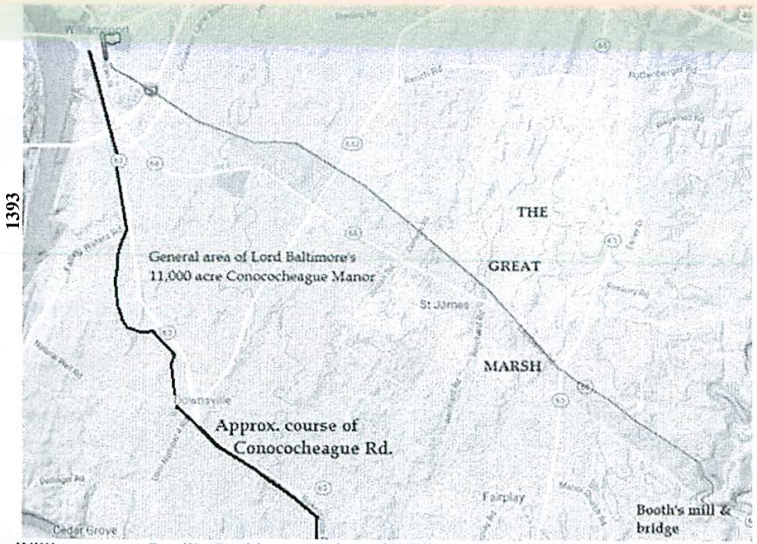
That route, from the Antietam to Williamsport is more or less by Keedysville, Bakersville and Speilman roads. This brings us to the original question. Where was the missing two miles of road between Dog Street and Antietam Creek?

[38] Sometimes "Marsh and Barren" hundred. Barren being a common period word for an un-forested, prairie-like area.
[39] Here again we can refer to Paul Wallace's work, who noted how such trails followed higher ground through swampy places. Pg. 415, Historic Indian Paths of Pennsylvania.

1392



Waypoints on either side of missing section of Conococheague Road



Williamsport to Devil's Backbone portion of Williamsport to South Mountain Road 1791

Chapter Three - Keedysville

This is a book about frontier roads. Specifically, a very short portion of a very long frontier road. The fact this lost section of the Conococheague road passed through the later town of Keedysville requires a short examination of that place as the history of the Conococheague road, is the history of Keedysville. One can hardly be explained without the other. While this chapter may seem like I've abandoned the subject of the search, the story of Keedysville, the stories of the people, who they were and where they lived, and what they did were critical to the search. These people, and their dealings for more than a century afterward, will provide important details used in unraveling the tangle of individual bits and pieces that have been used to point the way of this earliest of roads.

The accepted narrative of the founding of Keedysville begins with Jacob Hess building a grist mill on Little Antietam Creek. It's been repeated so often it's origin is unknown. **"...Other log houses for the workers to live in were built nearby. This became the origin of the town..."** The story then jumps forward more than fifty years to an existing town on the road between Boonsboro and Sharpsburg. The insinuation has always been that it was an empty place before Hess. Keedysville's true story is older than that and not quite so simple.

People, natives and later traders and explorers had been passing this way long before there was enough grain to require a mill. The western trail from Crampton's gap surely passed this way. The connections to other known trails suggests this was a main trail west. We can assume that was the very reason it was

adopted by the Europeans who came later. Before going farther however, we should become familiar with several men who would play key roles in the course of the Conococheague road and eventually, the town of Keedysville by way of that road.

Many of the earliest land patents in the area indicate those tracts being taken up by people from the region surrounding Washington D.C. That area was then New Scotland Hundred of Prince George's county. So named, because many of Scottish descent had chosen to live there. As a result, many of those we see in early Washington County land tracts are Scots. Particularly those I call the three Georges. George Beal, George Gordon and George Stewart. The seeming wild card is Thomas Swearingen, a fourth-generation son of Maryland from a family originating in Holland.

1394 In the 1720's, all four were living on what had a generation earlier been the edge of inhabited Maryland. Their own migration to, or investment in this new edge of civilization was their contribution to the practice referenced in the beginning paragraph of this book, Americans moving toward new opportunities. Swearingen actually moved west. The other three were investors, facilitating the westward expansion, and profiting from it.

Ninian, the patriarch of the Beal family, came to Maryland in 1652 as an indentured servant, the result of his capture when the King's forces were defeated in 1650 at the battle of Dumbarton. He received a fifty-acre freedom bounty upon completion of his period of servitude, which he would build into a considerable empire in the Washington area and become one of the most notables of his period. His son George, would command the local "troop of horse" militia unit. Capt.

Beal's militia of horsemen can be assumed to have been a somewhat exclusive unit of the time.

Dr. George Hume Stewart was born in 1700 in Perth shire Scotland. He earned his MD from the university of Edinburgh before emigrating to Annapolis. He was welcomed into Maryland's upper class in what was then a very small town and was a close associate of the Calvert's. So much so that in 1742 he became the guardian of Benedict Swingate Calvert, Lord Baltimore's eldest son. It must be mentioned however that ten-year-old Benedict was Charles Calvert's illegitimate child, which undoubtedly played a part in his being sent to live with friends in America at such a young age. Stewart served for years as the deputy secretary of Maryland.

The last of the three Scotsmen in our story is George Gordon, frequently if inadequately, described as "merchant." Gordon, if nothing else can be called prolific. His name is sprinkled throughout Maryland records for the period of his active life. Frequently appearing in land records as buyer, seller, mortgager and mortgagee. While all three of these Scots were members of the colonial legislature at various times, Gordon later served as Sheriff of Frederick county. Other than the property mentioned later at what would become Keedysville, perhaps most important to the Conococheague road was Gordon's operation of the only tobacco inspection warehouse serving the western parts of the state.

Located at Rock Creek, the direct connection via the Conococheague and Mouth of Monacacy roads was critical to anyone producing tobacco west of the mountains. Tobacco was an official currency of Maryland at the time. Money, you literally grew in your backyard. Government fees, fines, taxes, etc. were levied in pounds of tobacco. About 1740 the legislature enacted very stringent laws

governing the quality of tobacco sold by her growers to protect prices and demand. All marketable tobacco had to pass through a tobacco inspection warehouse and Gordon's was the only such warehouse available to western growers.

Another family living in today's Washington D.C. region were of Dutch descent, the Van Swearingens. The name eventually became simply Swearingen, with the name Van surviving for generations as a frequently used first name. Thomas Swearingen III was eighteen years old when his father died in 1726 near today's Chevy Chase. By 1734 Thomas III was married, had sold much of his inheritance in New Scotland hundred and patented Fellfoot on the Philadelphia Wagon Road near Keedysville. There is speculation he may have been living in the west well prior to that date. Thomas's only brother Van, seven years-old at the time of their father's death, is assumed to have been living with Thomas and Sarah. By at least 1737 their late father's brother, Van "Maryland" Swearingen held a lifetime lease on part of Lord Baltimore's Conococheague Manor in the Downsville area near the Conococheague road. Thomas' great grandfather, Gerritt VanSwearingen had been one of the Dutch administrators of the New Sweden Colony on the Delaware River a hundred years earlier when the Dutch briefly held that territory. The same place the families of most of those earliest Indian traders to venture beyond the mountains had also originated. Families such as the Friends.

In a few more years Thomas and brother Van would hold various tracts on both sides of the Potomac as well as Thomas operating the ferry, which by then was replacing Packhorse ford for most river crossings on the Philadelphia wagon road.

He and Van as well as their descendants would go on to notable lives in Virginia history.[40]

Europeans had been living and farming around Keedysville since before the time of Jacob Hess's birth in Pennsylvania. One of, if not the earliest would have been on George Gordon's 1739 tract, Gordon's Purchase. On January 7, 1738, a special warrant for one hundred and fifty acres was awarded Owen McDonald, which he assigned to George Gordon.[41] Of particular significance, the warrant for Gordon's Purchase has the notation, **"On this land is one log house 15 X 12 feet two corn fields about 5000 hills, fenced in."**[42] This was in April 1739. For a house to have been built and two fields cleared for planting, we can safely assume someone had been living there for some time before the warrant was granted. Wherever this tiny cabin was on the property, since Gordon's Purchase covered most of the town, it was very possibly the first house in what would become Keedysville. This gives us an important clue in the search for that oldest of roads through the town.

Six months before Gordon's patent, the neighboring 80 acre Penn's Disappointment had been patented by Capt. George Beal. It is almost certain neither man ever lived on the properties. Both were members of wealthy and prominent eastern Maryland families. Both George Beal and George Gordon owned tracts elsewhere. Some, like these, side-by-side. The most notable was a site along the

[40] See History of the National Conservation Training Center Property, Dan Everson 2016 for more on the Swearingen brothers.
[41] A Special Warrant according to the Maryland State Archives article, understanding state records, "...special warrants were required if the land had been cultivated or had improvements on it or if vacant land was being combined with a previously patented tract." The same article explains that both common and special warrants were frequently sold. From the name of Gordon's tract, it is relatively plain how he acquired it from McDonald. This could also suggest Gordon's Purchase may have been occupied much earlier than 1738 and reinforces his possible collusion with Beal in siting the tracts.
[42] MSA S1203_1039, assuming 2ft. between hills - this would have been approx. 2 acres.

Potomac River where a town was founded in 1751 on neighboring tracts they owned. That town is today's Georgetown, District of Columbia.

The road through Fox's Gap to the Potomac is known to be the earliest documented wagon road. We also know various settlers and investors were staking out farms, especially in the rolling land north of this road. Those tracts would have needed roads of some sort to reach the main road east through Fox's Gap. Even if tobacco was not their primary crop, everyone grew some tobacco and all tobacco had to pass through Gordon's inspection warehouse at Rock Creek. Of the first ten patents in all of Washington County, at least seven are near this road.

The patent for George Beal's Penn's Disappointment begins at "**...a draught of Little Antietam and about 150 yards from a great spring.**" This great spring is undoubtedly the one serving as the municipal water supply for Keedysville. The old ford over the tributary coming from the Boonsboro area on Mount Hebron road is 130 yards from this spring. The beginning tree of Penn's Disappointment was very near the Mount Hebron road ford. Gordon's Purchase was on the southwest side of Penn's Disappointment. Later tracts taken off Gordon's Purchase, prove the spring was part of that property.

1306

The greatest clue to the roads is the location and date of four of these earliest tracts. The original patent for Thomas Sweaingen's 115 acre Fellfoot was approved on November 10, 1737. There has been some speculation he was living in the area, if not on this land, much earlier than that. The deed for his sale of Fellfoot in 1754 notes that he acquired it on November 10, 1727. This was more than two weeks before Israel Friend's "Indian deed" was recorded. Fellfoot was located on the

wagon road. The beginning tree located "**in the forks of Little Antietam about ten rods from the wagon road.**"

Running along the western edge of Fellfoot is Mount Hebron road. Mount Hebron road goes from very near the beginning of Fellfoot directly to a point very near the beginning of Penn's Disappointment and Gordon's Purchase. The topographical features of Mount Hebron road match those on other known sections where geographical features were employed to make travel as easy as possible without manipulation by man. Using the ford over the Boonsboro tributary upstream from where it and the big spring add their water to double the flow of Little Antietam is a recognized practice in siting roads called heading a stream.[43] We see this same practice further east where the historic "road to Stull's mill," today's Old Hagerstown road, forks out of alternate route 40 just before Catoctin Creek west of Middletown to cross the same creek much farther upstream. Most notably, these are branches of the same main road, built during the same time period, utilizing this same known practice of early roads.

As seen in the previous chapter, another tract that lends some clue is George Stewart's 1739 The Vineyard. The patent description for The Vineyard places it's beginning tree at, "...the west side of Antietam Creek within ten poles of Conococheague road crossing said creek..." Previous references have shown the Conococheague road crossed Antietam Creek approximately where Keedysville road still crosses it today.

[43] Early Road Location: Key to Discovering Historic Resources, Virginia Transportation Research Council

While the road did lead to the Conococheague (creek) as shown previously, at that early date the entire region was loosely referred to as Conococheague. Make no mistake, while other travel routes into the Hagerstown valley existed,[44] The Conococheague Road was the route from the settled parts of Maryland to the frontier in the earliest days of the province.

A pole being the ancient term for a surveying measurement equal to sixteen and one-half feet, the beginning tree of The Vineyard was somewhere within several hundred feet of today's Hitt bridge on Keedysville road. The 1792 road survey for the Swearingen Ferry road shows a dogleg briefly paralleling the waterways at both the Antietam crossing of that road and the approach to the ferry landing at the Potomac. If the same pattern was used here, we can assume the crossing was slightly up or downstream from the present bridge. Before being abandoned in the mid-20th century, this road was in use for more than two centuries, leaving the deep scar easily discernable today directly ahead from the east end of Hitt bridge where the old road climbs the hill through a saddle, toward Keedysville.

Another tract patented by Stewart the same year, Smith's Hills, is described as "…beginning at a bounded white oak standing on the side of a hill within a quarter mile of the wagon road that crosses Antietom…"[45] This was on the Philadelphia

[44] For instance, Thomas Cresap's 1739 Forrest of Needwood is described as "on a draft of Conococheague, west side of the wagon road that leads from Potomac to Susquehanna." This was the Watkins Ferry to Harris Ferry road, Williamsport MD to Harrisburg PA. In 1748 Bishop Joseph Spangenberg apparently entering the valley by Cartledge's road noted in his journal, "…passed over South Mountain and came that day to the Conococheague, where they inspected a remarkable cave…" This was Bushy's Cave, near present Cavetown.

[45] Prince George's county, Libre LG No. E folio 387, MSA S1203-2109. This tract named Smith's Hills when surveyed in 1739 in the name of Stewart, was actually patented in 1745 to William Smith, then in 1750, re-recorded in Stewart's name. [MSA S1203-2321] Obviously, there was some unrecorded arrangement similar to what we saw with Gordon's Purchase. This may have been a mortgage as Smith sold the tract in 1762 to Christian Orndorff. This may be the same Wm. Smith who was among the Maryland defenders on the Susquehanna a decade earlier.

Wagon Road where Maryland route 34 crosses the Antietam today. The same year 1739, Stewart patented Dutch Delight "…beginning at a bounded white oak standing on the side of a hill within a mile and a half of Conococheague Creek and close by the wagon road…"[46] Thus we can establish that Dr. Stewart was targeting stream crossings on major roads in western Maryland.

Properties were owned and people were living and farming in what would become Keedysville by at least 1738 and perhaps the most important road to western Maryland commerce, settlement, and defense passed through the future town. Returning to that accepted founding of Keedysville story, two questions are raised. First and foremost is why here? At Hess's site, there is a slight ridge crossing Little Antietam precisely where he built his mill dam. It can be assumed there was a small, natural waterfall at this point, which Hess improved upon with his dam. It was however, also convenient to anyone nearby needing such services and located very near the intersection of two of the most important roads in the western half of the colony.

The second question isn't as easily explained. First generation eighteenth century mills were typically not large. The large four story mill surviving into the 1960's was not the original 1770 Hess mill.[47] Hess is known from a 1783 tax

[46] MSA, S1226-121

[47] A county road plat discussed later will demonstrate that Hess's original 1770 mill was the structure depicted as a saw mill in the 1877 atlas. Clearly it was the original 1770 Hess grist mill later converted to a saw mill after construction of the larger facility. A mill at this site had burned by the mid-19th century evidenced by the 1854 deed for the old Hess graveyard to Mount Vernon Reformed Church. That deed states in part, "Beginning …at a stone planted on the north-west side of the public road leading from what is commonly known as "The Burnt Mill" now belonging to Joseph Watson, to Bakersville..." Watson is known to have owned the mill at that time. The only "Hess's mill" depicted in the 1833 road plat is the smaller structure. It is unknown if the larger mill was built as a result of the fire or later. Transfers in 1855 and 1874 were both for $8,000, which suggest such improvements either before or after that time period.

document to have owned an adult male slave. He also very possibly had at least one apprentice. Such workers would not require the sort of housing alluded to in the old town origin story. These Dutch immigrants did employ young men looking to make a start in life, but Hess would need only one or two. His own story is a tale of a young man employed in the mill of another immigrant.

Christian Orndorff was the patriarch of a locally prominent family. According to the Orndorff family history, young Jacob was sent for from their old home at Fredericksburg Pennsylvania to assist in the construction of the original Orndorff mill on Antietam Creek where the Philadelphia wagon road crossed that stream. The various versions of this story are questionable as Jacob would have been quite young. He could have been an apprentice, but we may never know the truth. We do know however that Jacob later married Margarete Orndorff, Christian's eldest daughter.[48] The Orndorff history claims that "a farm to the north" was given them as a wedding gift by Christian Orndorff. As unlikely as this is, I have so far been unable to discover how Hess did acquire Gordon's Purchase, which most likely was his first tract.[49]

1398

Previous histories date the establishment of Jacob Hess's mill somewhere from 1760 to 1768. I even read a date of 1754 recently. However, Jacob was born in 1740. His wife, Margret Orndorff was born in 1750. Christian Orndorff's deed for Smith's Hills, dating his arrival in the area is from 1762.

[48] From Millwheel to Plowshare, Julia A Drake and James R. Orndorff.

[49] Various histories date Hess's mill anywhere from 1754 to 1769, however Hess probably didn't arrive in Maryland before 1762, then 17 years old. Hess's mill was on Gordon's Purchase, but the Maryland Archive has been unable to locate any record of it changing hands from Gordon. The earliest date discovered so far is a 1783 court document mentioning Hess's ownership and the slave mentioned above. Jacob and Margaret were married in 1768. Research continues but I have chosen to use the date 1770, deferring to those prior histories until a reliable date can be established.

The original record for Jacob Hess's first grant, Hess's Discovery is dated Aug. 1, 1769. By at least 1792 he owned a portion of Fellfoot Enlarged described as beginning at 21 perches on line 8 of Gordon's Purchase and following the outline of Fellfoot Enlarged until it crosses Little Antietam.[50] Hess's Discovery was on N. Main St. beyond St. Peter's Lutheran Church. The mill was more than 3/10 a mile away on the opposite side of the creek on Gordon's Purchase. While it remains unknown when or how he acquired Gordon's Purchase, it was the core of his landholdings. His mill, his graveyard and his later house are all on that tract instead of on any of his own grants or purchases. By 1799 Hess was selling portions of Gordon's Purchase. I suspect an original home, predating the existing log and stone house near the mill may have been near the Keedy/Taylor farm at the beginning tree of Gordon's Purchase, just across the creek from the mill. A much later deed from John Keedy to William Lewis for the mill mentions "...the bridge across what was formerly known as Hess's dam..." indicating there was a bridge at the dam pre-dating the bridge built for the 19th century turnpike. Perhaps he and Margret even lived in that 12 x 15-foot cabin from the original Gordon's Purchase when the newlyweds first came to Keedysville.

In 1754 Tobias Stansbury bought Fellfoot from Thomas Swearingen. Stansbury was a non-resident owner from Baltimore and never lived on the property. He immediately increased the size of the tract by 1,985 acres to 2,100, renaming it Fellfoot Enlarged. Just as quickly it seems, he began selling it into smaller parcels. By 1792, Hess's lands covered parts of Fellfoot Enlarged and Gordon's Purchase,

[50] Land Tracts of the Battle of South Mountain by Curtis Older (long version) Page 865

as well as his own grants. By the time of his death in 1815, Hess had acquired several hundred acres in various parcels in the Keedysville area as well as several parcels of forest land on South Mountain.[51]

The topographical features at Hess's site were certainly conducive to a mill. A mill however is not much good without grain to grind. Hess's father in-law already had a successful milling business less than three miles away so there must have been considerable farming going on by 1770. The first nearby land record for Thomas Swearingen's Fellfoot on today's Dog Street road was approved in 1734. The first tracts in what would actually become Keedysville were George Beall's 1738 Penn's Disappointment and George Gordon's 1739 Gordon's Purchase. There are many other tracts recorded in the immediate area for several decades before Hess's arrival. It's certain there was faming taking place, providing a ready market for a mill.[52] There was another component to the birth of a town though. Especially for the religious German immigrants. That of course was a church.

Jacob Hess like most of his early neighbors was a Reformed church member. The present Mount Vernon United Church of Christ is the same congregation as the former Mount Vernon German Reformed Church. The congregation is reputed to have held its earliest services in Jacob and Margaret Hess's home during visits by circuit riding ministers. One such preacher was Phillip Otterbein, sent from

[51] Even into the 20th century, many living in the valley owned tracts of mountain land as a source of building timber and fuel, as well as an investment. Hess's mountain land was named "Security," no doubt reflecting his expectations for this investment.
[52] By the time Hess's mill was operational, was also very near the time his brother in-law Christopher Orndorff was demolishing his father's original mill and building his own, larger mill. It's conceivable there was collusion in keeping established clients happy with service at Hess's mill while the Orndorff mill was replaced and giving the new business a boost in the process.

Germany in 1752 to minister to "the wayward Dutch"[53] as these immigrants were called. He would eventually be instrumental in a first for the new world.

The local reformed school teacher, George Adam Geeting was the lay minister selected by Otterbein to oversee the congregation between his own visits. This was a period when many denominations faced controversy. Otterbein had become a student of one of the newer philosophies and George Geeting was an eager follower.

By at least 1774,[54] they had erected a log meeting house named Mount Hebron. That congregation officially stepped onto a new path with Geeting's official ordination. Certain covenants of the Reformed Church were not employed, thus marking it as the official beginning of what would become the United Brethren in Christ denomination. The first distinct denomination of the Christian faith to originate in North America. The local Reformed congregation continued however, demonstrating these complex, subtle differences of the period. Thus, by the time Hess's mill was beginning to thrive, there was not one, but two thriving Churches in the community.

Geeting and his congregation built their church on the road still named for it, Mount Hebron road. By this time, that portion of Fellfoot Enlarged was owned by Conrad Snavely. The church and graveyard were built on Snavely's land. The history of the United Brethren Church and its decision to locate at the seemingly

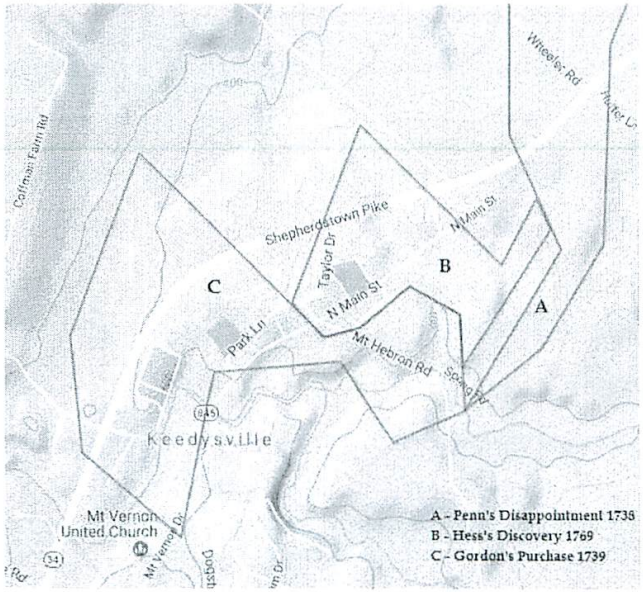
[53] General commission on Archives & History, the United Methodist Church.
[54] 1774 is the officially recognized origin of Mt. Hebron there is at least one mention in church records from May 29, 1774 referencing meetings "at the church…" and a reference of a meeting at Pipe Creek (Fred. Co.) on June 12, 1775 of "a congregation of 300 at Geeting's Meeting House." Bicentenial Program and Historical Souvenir, Service of Celebration, May 26th – June 2nd. 1974 United Brethren In Christ

isolated site on Mount Hebron road is evidence of that road being the main thoroughfare at the time.

The third and arguably most important factor is family. These immigrants had large families. With a sparse population, it's no surprise most of them are intermarried in a tangled web. These many family ties among the scattered residents would certainly lead to cooperation in various ventures.

In the end, we may well point to Jacob Hess's mill as the first non-farming business and the anchor for the town that grew to surround it. The reason a town grew around this mill and not others however, is much more complex than a few jobs and worker's housing.

1400



Early Keedysville land tracts

Chapter Four - Splicing the ends

It's undetermined how George Beal discovered Penn's Disappointment. It can be surmised however that in their duties with the militia, Beal and Stewart had traveled this way.[55] Also in 1738, the same year he patented Penn's Disappointment, Capt. Beal patented Long Life to Lord Baltimore,[56] very near where Fort Frederick would be built in eighteen more years. A notation on that land description places it "...about ½ mile below the wagon road..." In 1741 Evan Shelby patented the fifty-acre Beal's Fort located at Big Spring, straddling the western road just three miles east of where Fort Frederick would eventually be built. This was where Hugh Gilliland lived. The westward destination of the 1748 Conococheague road order. This was also another crossroads, where the Maryland Conococheague road met a (early) road from the Pennsylvania Conococheague settlement.

There is no record of the tract Beal's Fort being of military importance, but the name certainly implies such. Evan Shelby was a Captain of Maryland Rangers. Its proximity to the location specified by the legislature for Fort Frederick more than a decade later seems too much of a coincidence. As seen with other tracts, the name does not match the patentee. Further, Shelby lived elsewhere locally and Hugh Gilliland lived here, though there is no clear record of his owning it although there is a later transfer mentioning him and his (presumed) son.

[55] Today it seems unlikely that men of importance, particularly someone of Stewart's position, would be traveling through the wilderness for such purposes. It must be remembered however, even Governor Sharpe would spend considerable time on similar missions as far west as Ft. Cumberland in the coming years. Even if Stewart only made one trip, it's entirely plausible that he did have firsthand knowledge of the region.

[56] MSA S1203-1417, north of Little Conococheague Creek

This was on the previously mentioned route to (then) Captain Thomas Cresap's at Oldtown. The western outpost of Maryland at the time. Fort Cumberland would not be built for more than a decade. The Ohio Company would not be formed until 1747 and its Will's Creek outpost would not be established until after that. Relations with the natives while strained, were not generally violent at this point in spite of the treaty of Lancaster being several years away and Captain Civility's threats regarding trespassers in 1732. de Blainville would not officially claim the Ohio River and its branches for France until 1748, but the uneasiness over safeguarding the western lands and the trade and security they promised, would have certainly been in the minds of those with any connection to the colonial government as this was immediately following the defeat of the Calvert's claim to the 40th parallel on the Susquehanna. It would especially worry those living on the western side of the colony who would be most affected by incursions from the west. Men with direct financial and possibly security concerns such as our three Georges.

There is obviously something going on with these tracts that is not mentioned in the brief records we have to go on today. These tracts on the westward road were settler sized. Yet the owners were not men who intended to homestead on them. In several cases, such as Stewart's Vineyard and Shelby's Beal's Fort, other known frontiersmen were placed on these tracts. At least one of them, William Smith, a veteran of Maryland's border war on the Susquehanna. Cresap, the leader of that action, may be at the point position of this one through some unrecorded plan rather than his own industry.

There were few taverns beyond the established towns. Travelers regularly sought food and shelter from settlers along such frontier roads.[57] Strategically placing de facto agents of the colony at critical points along the way would be an understandable strategy from a security viewpoint. Crossroads, stream crossings and similar places where the comings and goings could be easily monitored, and if necessary, defended.

That is the theory of some historians. That there was some unrecorded plan to secure western Maryland by using proven Maryland patriots. Other Conojocular veteran names which are familiar to the area even today are Gruber, Prather and Charlton. There were others but we're straying from our own mission. Locating those two miles of a road we know was there. Somewhere.

Beal, Gordon and Stuart were all involved in the colonial government. They were all Scotsmen. They were all familiar with, or involved in other enterprises together. These three Keedysville area tracts, on this road, all being patented within six months of each other following a lull of several years' in area patents, suggests a connection.

Using these four earliest tracts in the immediate vicinity of Keedysville is the best indication of where the missing two miles of the Conococheague road may have been. The route from The Vineyard westward is assumed to be roughly by Keedysville, Bakersville and Spielman roads to Williamsport. The Philadelphia Wagon road was from Frederick past Moses Chapline's on Dog Street road. The

[57] It is generally accepted today that the "Chapman's," where Dunbar's regiment spent their first night out of Fredericktown, long assumed to have been an ordinary, was in fact Moses Chapline's home on Dog Street. Moses had an unusually large home and may have regularly, if unofficially, hosted travelers on the wagon road.

route we are searching for is the circa 1748 road from Conococheague eastward into the road by Moses Chapline's. More specifically, from the Antietam crossing on Keedysville road, to Dog street road.

We know a wagon road then existed between these points. We must assume the order of the March 1748 court was for improvement to the existing road, even in absence of language stating it. It was common practice to site such roads over existing routes where applicable. Whether the original Conococheague (native) path followed it or some long lost track, we can easily accept that Gordon's Purchase and Penn's Disappointment would be on this road known to lead between Dog Street and Keedysville roads. Mount Hebron Road passes very near the beginning tree of Penn's Disappointment. It is the only road to pass near it.

1402 The beginning tree of Gordon's Purchase lies midway between the end of Mount Hebron road and that identified road over the hill from Hitt bridge, today's Coffman Farm road. Specifically, Gordon's Purchase lies at the center of Keedysville just southwest of where the B&O railroad crossed main street until 1983. We can place it with certainty due to two things. The single constant landmark we can rely on from 1738 to the present is "The Big Spring." The source of Keedysville's municipal water supply. This landmark hasn't changed or moved except for construction of the water pumping station about 1960. In spite of that concrete covering, we can easily place it within one perch of its pre-history location. It appears in several later deeds as well as Capt. George Beal's 1738 land grant. Luckily, those later deeds also mention precise points on the boundaries of Gordon's Purchase. Thus, we can place Gordon's Purchase with a considerable degree of confidence. Gordon's Purchase then becomes the keystone in placing other pieces

of the land tract puzzle to give a slightly clearer picture of where a road might have passed through this area.

A forgotten feature that may well have influenced the siting of a pre-1750 road is the long valley just west of the Rt. 34 Keedysville by-pass. This valley is discernable all the way to just north-west of Boonsboro near the Mill Point road intersection with Alt. route 40. There is a tiny intermittent stream in the center of this valley today. Dry more often than it is flowing. Even in my own lifetime however, it was a year-round flowing stream. There still remained many wide places where the soil was saturated during all but the driest seasons. Particularly, opposite Fairview Cemetery there was a seasonal wetland of perhaps three to five acres. This stream has a drainage area of close to four square miles.

As mentioned previously, concerning the great marsh a few miles west, centuries of agricultural practices, which until very recently embraced draining such wetlands, undoubtedly means this feature was much more extensive in the original landscape. Similar to the great marsh crossing, the terrain where Coffman Farm road still crosses this stream is at the valley's very end. The little valley closes and the stream passes between two opposing hills to reach the Little Antietam less than 800 feet away. Whichever route the road reached this point by, its certain the original road would have passed very near this same point in 1748. Thus, we can be fairly sure of yet another waypoint.

From the beginning tree of Gordon's Purchase to the Coffman road stream crossing is about ¼ mile. The location of the Hess family graveyard in what would later become Fairview Cemetery may be an indication of this route even though, or perhaps because, the road would pre-date the earliest grave by decades.

On the east boundary of the cemetery, between it and the creek is a steep cliff-like hillside dropping to the water's edge. Any road avoiding another crossing of Little Antietam would have to pass through, or west of the cemetery. The earliest graves are set well back from the stone wall marking the boundary, thus suggesting the possibility some roadway passed between the graves and the hillside. The earliest deed for the cemetery, deeding the old Hess graveyard to Mount Vernon Reformed Church in 1854, notes a twelve-foot roadway from that graveyard to near the bridge on Coffman Farms road. However, in 1748 or even 1770, Coffman Farm road can be assumed not to have crossed Little Antietam if the previous hypothesis is correct. There was no mill, town or road via Main Street. Only one house anywhere remotely near and the road would have already passed it.

1403

Similar to the obvious road-like space between the old Hess graveyard and the border wall, there is another suspicious road-like space on the south side of the Hess graveyard, extending from it to the front (Rt. 34 side) of the cemetery. This open lane devoid of graves, through the oldest parts of the cemetery lines up with another old lane on the opposite side of Rt. 34. That lane, today a private driveway, predates both the housing development that has taken place there over the past thirty years, and the building of the Rt. 34 bypass about 1960. This lane is the boundary of a tract sold by John Keedy in 1843 to Samuel Cost. John Keedy then owned much of what had been Jacob Hess's lands twenty years earlier. However, the deed makes no mention of a road.

The absence of mention is not necessarily evidence a road did not, or had not existed. It comes down to the surveyor's prerogative at the time regarding the

significance of noting the landmark or not. Such records are full of references assumed to be common knowledge at the time. However, people move, property is divided and sold and re-divided. Even stream courses erode and change. There is reason to suspect the road was then changing course, which would negate mention of the old route, as one possibility.

There is a clause in Samuel Cost's 1843 deed from John Keedy specifying, "…that the said Cost find the land and keep open forever for the use of the public a road sufficient broad for a wagon road along the first three lines and the closing line of this deed." On the north, the deed bounds on the old intra-farm road opposite Fairview cemetery. On the south, the deed bounds on Coffman Farms road from the beginning of line four to the bridge, but again, does not mention a road anywhere except in the caveat, yet other evidence from ten years earlier proves there was a road on this south boundary.

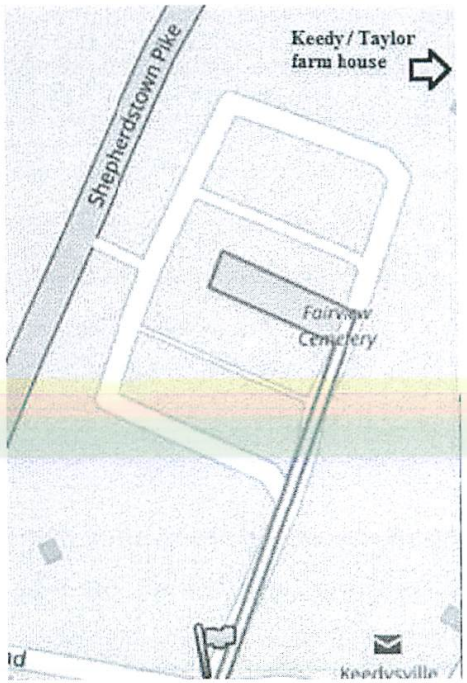
Another question left unanswered, is while the cemetery is mentioned ("…thence along the graveyard…"), and that boundary still essentially being the bounds of the Hess family plot, there is no mention as in all later deeds of an entrance to the cemetery from Coffman Farms road. As previously demonstrated, the absence of mention does not rule out existence. Cost's eastern boundary extends to the border wall above the creek. The cemetery entrance runs along the west side of this wall within what would have then been Cost's land. While mentioned in later deeds, it is not in this one. The graveyard remained part of Keedy's land until he sold it to the Reformed Church nine years later. That sale included a deeded entrance across the land he sold Cost in 1843 without (legal) mention of a lane or right-of-way. If this was the pre-1820 road, lack of mention in light of the lack of

mentioning of all other known roads in that deed, is then understood. Keedy may have retained it for egress to his farm beyond the cemetery until 1854. By then having become accustomed to the (new) main street entrance to his home.

The boundary between Cost's 1838 and 1843 parcels is the course of Coffman road, but like the cemetery entrance, which would also be near the perimeter, no road is mentioned anywhere on these boundaries. If the main road passed through the cemetery, either by the mystery lane through its center or by the entrance near the bridge, it would explain why it was not mentioned along with the other known roads neglected in these deeds.

Prior to 1833 there was a bridge at the present bridge site noted as "Hess's old bridge." The fact it is called Hess's old bridge in 1833, certainly suggests it was around before the 1820's turnpike, present Main Street. Hess may have originally built his bridge to connect his mill to this route. If the original Hess home was near the beginning tree of Gordon's Purchase, the old Hess family cemetery would have been convenient, about 300 feet away, just to the west of the house. This is consistent with such family cemetery locations elsewhere.

1404



Plat for Hess graveyard from sale by John Keedy to Reformed Church consistory 1854

A huge advance after the period of initial settlement that changed the way transportation routes were chosen was the building of bridges. By the first decades of the 1800's most streams of any significance had been bridged. Larger ones had ferries. Mount Hebron road was already falling out of favor to more populated routes long before it was adopted into the county road system in 1855. No new houses were built on the road from well before that time until the late 20th century. Those houses which were on the road are near the north end and accessed before the ford. The congregation of Mount Hebron church moved to the present Salem United

Methodist sanctuary in Keedysville in 1870 and the old church was razed soon after. There was no justification for a bridge on Mount Hebron road.

We have the original survey of the course laid out when Mount Hebron road was adopted by the county in 1855. Several mentions are made to "the existing road" in this survey. We know it had been in use as a public road long before that time if only by existence of the 1774 Mt. Hebron Church. By 1855 the Sharpsburg to Boonsboro turnpike was well established as the primary north-south route, and the National Pike through Boonsboro to Hagerstown was the primary east-west route. The Conococheague road's prior importance had become history years before.

This survey for Mount Hebron road, obviously yet another improvement of an existing road, suggests an alternative to the surviving route. At the time, Samuel Deaner owned the farm at the end of what today is called Spring Road. An 1828 deed from Christian Snider to Samuel Cost for a neighboring tract, which had been part of Gordon's Purchase, mentions "a stone in a lane at the end of line three of Gordon's purchase." This would be approximately the beginning point of Penn's Disappointment. I highly suspect the 1748 road instead of using the known ford, crossed the Boonsboro tributary in front of where Deaner's house was built in the early 19th century. Assumedly incorporating or replacing an even earlier house in its construction. Thus, the road would have extended more into Penn's Disappointment as it is speculated to with the related tracts, but still generally followed the course of Mount Hebron road by way of today's Spring road east of the creek rather than the known road on the west side. The latter route is suspected

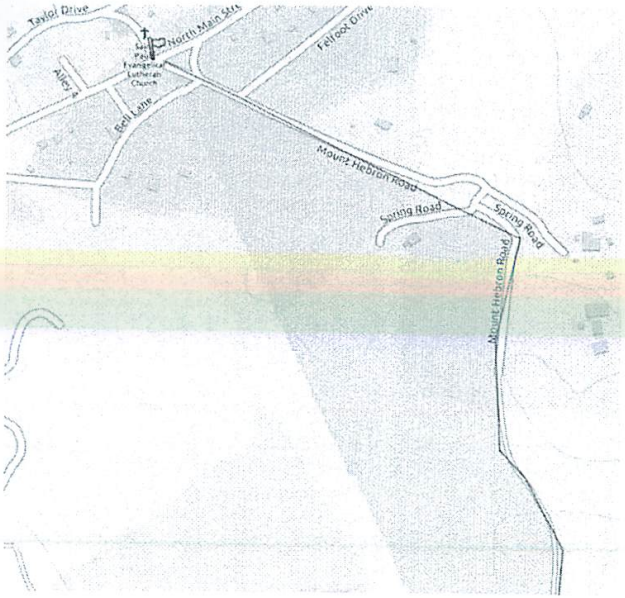
to have been established by the 1855 engineers since it fits the by then popular pattern of straight roads.

Supporting this theory is the description from that 1855 road survey, particularly line eight which states "to the middle of the lane leading by said Deaner's dwelling house to Mount Hebron Church." The fact it says by Deaner's house instead of from Deaner's house is substantial. This suggests the engineers picking up the existing road at that point.

All references from Deaner's lane to the south end of Mount Hebron road at Dog Street repeatedly make reference to some form of "the existing road." Several other period tracts front on Spring road, as well as Speilman's land, which the creek and the 1855 road course on the west side of the creek bisect. This suggests spring road as the defining boundary prior to the road improvement of 1855. While the leg between Main Street and the ford does not mention language such as "the existing road," we know the Spielman farm at 22 Mount Hebron road existed at that time. Some road to it had to exist as well, assumedly to the Main Street region as the town was existing by this time. A 19th century deed for the property refers to "the road to Snavely's church." Mount Hebron church had been built on Conrad Snavely's property. Snavely's church was a local reference to Mount Hebron church, further confirming this as a through road prior to the 1855 county adoption.

As well, there are the stone walls still lining both sides of the road between the creek ford and Main street. While impossible to date precisely, these parallel stone walls, twenty feet apart, are certainly evidence of a road. As seen before, the surveyors may have simply felt these walls made the existing road obvious enough

to not require mentioning. Instead they refer to the boundary between Cost and Spielman. This boundary was the existing road.

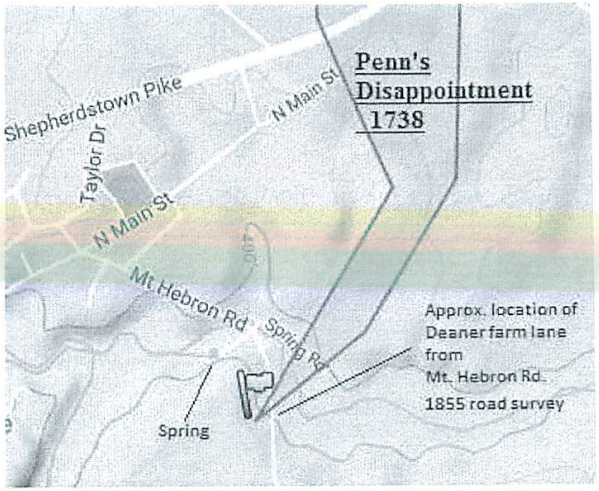


1406

Mount Hebron Road, as accepted into the Washington County roads system in 1855

Beginning from a rock on the south side of the Sharpsburg and Boonsboro turnpike at the north of a lane end near Rodger Willet's dwelling house and running thence along said lane and through the lands of Samuel Cost and William H. Spielman (course #1) to the point of a rock. Thence through Samuel Cost's land (#2) to intersect the line between the lands of said Cost and William Spielman thence through said Spielman's land (#3) to intersect the aforesaid line between Cost and Spielman. Thence through the lands of Samuel Cost (#4) to a stake. (#5) to a stake. Thence through William H. Spielman's land (#6) to the middle of a stream of water. Thence (#7) to the division line between William Spielman and Samuel Deaner's land. Thence _____? The Deaner and Spielmans land (#8) to the middle of the lane leading by said Deaner's dwelling house to Mount Hebron Church through said Deaner's land (#9) to the west side of the aforesaid road leading to Mount Hebron Church thence along the west side there of (#10) to intersect the lands of said Samuel Deaner and Elias Snively. Then with said division line (#11) thence through said Elias Snively's lands as follows, (#12) to the bed of the aforesaid road and with it (#13) to a stake (#14) to a stake (#15) to a stake (#16) to a stake (#17) to a stake (#18) to a stake (#19) to a stake (#20) to a stake (#21) to a stake (#22) to a stake (#23) to the south side of the old Middletown and Sharpsburg road and at (#24) from the east end of the south wing wall of ***the new stone bridge*** across Little Antietam Creek near Elias Snively's house. To be opened 30 feet wide. 15 feet on each side of the line as run.

The present stone house on the Deaner farm dates to the early 19th century. The land however, would be the first tract in what became Keedysville. Capt. George Beal's 1738 Penn's Disappointment.



This leaves us still speculating where the connection between Mount Hebron road and Coffman road was through the town of Keedysville in 1748. Since the old Conococheague road had fallen out of favor as a primary route of travel by the time detailed road records were being made, any remnant of the older route can only be speculated. The area where the town would emerge experienced such rapid growth between roughly 1750 and 1850 that any hope of definitively identifying the actual route through the town may be lost forever. I have identified several possibilities, but after months of research and rewriting this chapter several times, I have conceded there simply is no defensible, definitive evidence today. There are circumstantial clues, but no clear evidence. Mount Hebron road fits the early 18th century topographic criteria for a wagon road better than other possibilities.

The ¼ mile from very near its intersection with Main street to the beginning of Gordon's Purchase however, remains a mystery. From the beginning tree of Gordon's Purchase at the Keedy / Taylor farm, it is 0.3 of a mile to the small stream crossing on Coffman Farms road.

We know that in or about 1830 Samuel Hitt, who by then owned a new mill near the confluence of the Big Antietam and Little Antietam successfully lobbied the county for construction of a new stone bridge over the Antietam on today's Keedysville road. We know that between 1815 and 1825 the Boonsboro to Sharpsburg Turnpike was built including Keedysville's Main street. We know that in 1833, Keedysville road was relocated from Hitt's bridge to connect to this new turnpike at the south end of Keedysville. This is the present course of Keedysville road to Rt. 34 and Main Street.

1407

The stone bridge on Coffman Road was built in 1838. There was however a wooden bridge[58] preceding it, but it would be no older than the mill, roughly 1770. The 1843 deed from John Keedy to Samuel Cost while not mentioning any of the bordering roads we are familiar with, does carry that caveat, "On condition the said Cost find the land and keep open forever for the use of the public a road sufficiently broad for a wagon road …"

A previous 1838 deed from Keedy to Cost for a neighboring tract, specifically mentions "…at the end of the thirteenth line of the original deed to John J. Keedy from the heirs of John Hess deceased, and running thence with the main road toward Little Antietam Creek…"

[58] It is an assumption this bridge was wooden

The following year, 1839 Keedy is buying a small parcel abutting the one he will sell Cost four years later. This one also carries the same stipulation, "On condition that the said Keedy find the land and keep open for the use of the public, a road sufficient broad for a wagon road… to intersect the old road leading from Keedysville to Bakersville… and that the said Keedy keep open for the use of the public the old road…" It's possible the caveat was inserted at Keedy's own request given this was six years after the county agreed to open the new road from the Antietam to the south end of Keedysville. It was less than a decade after Samuel Hitt is thought to have built his competing mill less than a mile away. Hitt is alleged to have engaged in some intrigue to have the new road relocated in 1833 and may have been seeking to subsequently close the old one.[59] Keedy may have been taking these measures in legal documents to improve the old road and assure it stayed open as a direct route to his own mill.

Jumping farther ahead to the 1868 deed from Martin Line to Rachel Thomas for the house at 6337 Coffman road, the starting point is a marked hickory tree described as being "…south west side of the old wagon road leading from Centerville to Bakersville…"[60] This same tree is noted in deeds for the property into the twentieth century. The same tree used as a marker in the 1838 deed from Keedy to Cost. Re-location of the road is stipulated in the 1839 deed to Keedy and the route appears then to be by the 1833 course. Yet by 1843, re-location is still a condition of sale. This time by Keedy, yet obviously, he had not carried out his own

[59] Washington County Historical Trust, Adaptive Reuse of Historic Resources » 99 – Pry Mill, circa 1820, west of Keedysville, MD, http://washingtoncountyhistoricaltrust.org/pry-mill-circa-1820-west-of-keedysville-md/

[60] W.Mc. KK 1 p. 204 & 205, Washington County land records. This same marked hickory tree is noted in every transfer for 6337 Coffman road through at least 1944

obligation to do so. It was clearly relocated later. The parcels mentioned are today split into smaller ones by the road's present course, which matches the one specified in those earlier deeds.

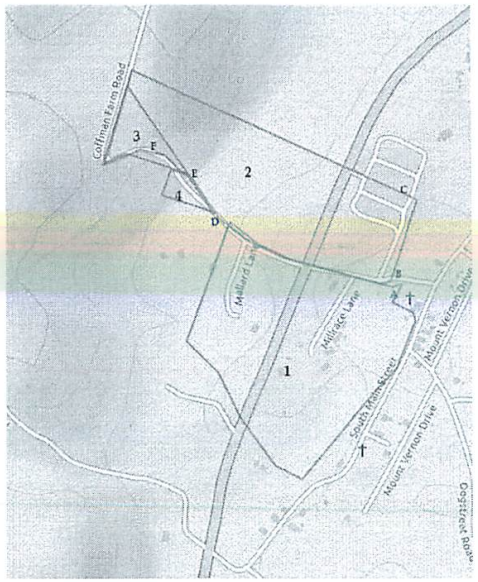
Of note is the difference in language describing what at first seems to be the same road. One using the same description as all other deeds discovered to date. Some form of "the road from Keedysville to Bakersville." The earlier deed however - the earliest one from this period - for the eastern half from 6337 Coffman Farm road to Keedysville, calls it "the main road toward Little Antietam creek." This suggests a possibility the road mentioned in the 1838 deed leading from Keedy's mill to that hickory tree was not the only road. This could have been a shortcut developed by Hess when he built his bridge. A route to connect his mill and the old road, which had by the mid-19th century found favor over the original route.

1408

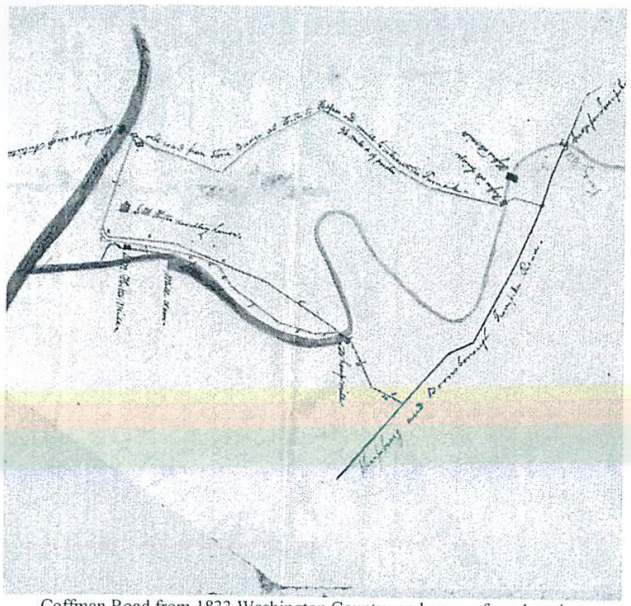
More evidence for this theory is the 1833 orders of the Washington County Commissioners for the relocation of Keedysville road to its present course from Hitt's mill, to the turnpike at the south end of Keedysville. The following plat from that road order clearly demonstrates the old Keedysville to Bakersville road, the old Conococheague road, which then followed a slightly different course over the hill on Coffman road.

The plat clearly shows "Hess's old bridge" immediately downstream from the present stone bridge. The angle of the bridge seems to indicate it connected to the road through Hess's mill complex rather than Main street. The bridge entrance is plainly angled toward this nearly forgotten road, while the road connecting to Main street makes a forty-five degree turn to reach the turnpike. This is perfectly understandable as Main street had only existed for about a decade. Any old bridge

at this location would assumedly pre-date the Boonsboro to Sharpsburg Turnpike – main street Keedysville. The stone bridge, built approximately five years later is more aligned with Main street.



Coffman road tracts demonstrating shift in the road course between 1833 and 1843
1 - 1838 Keedy to Cost. **2** - 1843 Keedy to Cost. **3** -1839 Hershey to Keedy. **4** - 1869 Line to Thomas
A - Old bridge alignment **B** – New bridge alignment **C** – Hess graveyard **D** – Marked hickory tree
E – Old road course **F** – New road course



1409

Coffman Road from 1833 Washington County road survey for relocation of Keedysville Road.
Washington County Courthouse records

While all these deeds are well after our period of interest, they definitely seem to indicate a shift in the road between Keedysville and Hitt bridge, a portion of the known Conococheague road. Possibly supporting the theory of this ancient road course. This was a period when Keedysville had become a destination rather than simply open land as the original Conococheague road had crossed. The thirty to forty years after 1770 was a period when home, road, and business development took place on a scale not seen again locally until the 1980's to 2000's.

We know a long-abandoned road existed from Dog Street at the intersection with (today's) Mount Briar road to Antietam Drive, then connected by the road through Hess's mill complex to the Keedysville / Bakersville road via "Hess's old bridge." Several early deeds from the Eakle's Mill and Mount Briar areas refer to "the road to Hess's mill." This was essentially Trego and Mt. Briar to Keedysville.

By 1820 a road by the present course of Dog Street did lead to George Geeting's house at the intersection of Dog Street and Geeting roads as evidenced by several deeds from Geeting around this period. A road that eventually became the present road to Main street from the Dog Street area.

Since this route was almost entirely though Geeting's own land, it is assumed it was developed after the mill and town had gained significance and possibly not until after the Turnpike had been established. Those deeds all refer to it as the road to George Geeting's, not the road to Sharpsburg or the road to Frederick or Middletown as all period references to Geeting road and Dog Street do. It is assumed this was a shortcut of sorts to Geeting's house, essentially his lane, which became attractive to others using the Sharpsburg road (Geeting road) to reach Keedysville once the town became a destination. Keeping in mind that before the turnpike, today's Geeting road was the only road from Keedysville to Sharpsburg and beyond, explaining the emphasis placed on the use of that name. As late as the civil war, the Fox Gap to Sharpsburg route including Dog Street and Geeting roads was universally called the Sharpsburg road.

The Conococheague road would connect the properties of three prominent men to the most important road in the region. It would be a road by or through those men's property to the entire western frontier of the colony. All the way to the absolute farthest outpost of Maryland. The westernmost outpost of British North America in 1755. A road connecting at its other end to Rock Creek, where these men had business interests. Particularly where George Gordon had the only tobacco warehouse serving the entire western half of the colony. It would be a road critical to defense of the frontier. Something all three had a roll in. Just as today, and probably even more so then, money, power, and political power can have a direct influence on public works projects. Whether or not these men had other intentions for the properties, such a road would at the very least increase the value of these lands considerably.

1410

George Beal, George Gordon and George Stewart were wealthy, influential men. They were linked by various business dealings, several at Rock Creek. George Beal led a unit of the Colonel militia. George Stewart was Deputy Secretary of Maryland. George Gordon was the county Sheriff. All three men held other various offices in Maryland's government over the years.

Thomas Swearingen who patented Fellfoot in 1734, but allegedly first acquired it in 1727, may have simply gotten lucky. These four men of similar age and geographical origin would have certainly been acquainted however, if not outright associates. Swearingen, the first in the area, may have even been the point man in locating the properties for the others. Young Thomas Swearingen could have been the man who suggested the importance of this crossroads to his influential former neighbors from Scotland Hundred. It was in 1755 that Swearingen was granted a

license to operate his ferry on the Potomac,[61] a year after selling Fellfoot to Tobias Stansbury, another influential member of Maryland's inner circle who took up all the remaining vacant land surrounding these existing tracts, another clue to its perceived importance nearly a decade before Hess's arrival.

The earlier path between Dog Street and the Antietam, the original Conococheague native path, may have taken the more direct route which eventually became the road to Hess's mill. We must assume the court's directive to layout a road in 1748 was to establish a route to improve vehicular travel for commerce and defense. Following existing farm roads that had already established a gentler route would be a natural action of the road supervisors. The Maryland State Highway Administration confirms this as an established practice in Maryland, utilizing existing roads in early public road construction.[62]

The exact point where the Conococheague road crossed Antietam Creek prior to 1830 is uncertain. Plotting the metes and bounds of The Vineyard onto a modern map and placing the starting point within 165 feet[63] of the creek, then moving the overlay while maintaining that 165-foot distance, allows us to place the end of the second line within feet of the bend of the known road at the top of the hill on the east side of the creek. The third line then falls very near the road course as it

[61] Of several ferries known to have operated on the Philadelphia road, Swearingen's would become the dominant one. The one the Maryland portion of the road became known for. He went on to make his home in (West) Virginia. In 1757 he was elected to the Virginia house of Burgess for Frederick County (VA), receiving 270 votes to his opponent's 40. The loser was another young up and comer who would eventually go much farther. His name was George Washington. "A History of The National Conservation Training Center Property", Dan Everson 2016

[62] Guide to Road History, Maryland State Highway Administration, "The major roads built during the 1700-1800 period were almost exclusively
county or privately built and maintained farm roads,"

[63] The starting point being ten poles from the crossing and a pole equaling sixteen and one half feet.